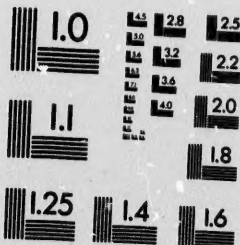


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MURDER CASE

TRIAL OF EUGENE POTRAS

FOR THE MURDER OF

JEAN BAPTISTE OUELLET

District of Saguenay, June, 1869.

OTTAWA:

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MURDER CASE

TRIAL OF EUGENE POTTRAS

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TRIAL OF EUGENE POITRAS,

ACCUSED OF THE
MURDER OF J. B. OUELLET.

COURT OF QUEEN'S BENCH, }
DISTRICT OF SAGUENAY. }

MONDAY, 14th June, 1869.

CROWN WITNESSES.

Dr. ZEPHIRIN BOUDREAU, sworn :

I know the prisoner. I am Coroner for the District of Saguenay. On the 27th day of July, 1868, I received a letter from the Government (letter produced by the witness), which instructed me to go and hold an inquest at a place called "Les Isles de Mai." Accompanied by Dr. Hamel, I repaired to a place called "Cailles Rouges," where I held the inquest on the remains of a man supposed to be Jean Baptiste Ouellet. I swore in a jury of twelve men, and I attended to the ordinary proceedings of a preliminary nature. The report now produced is really the report of my inquest at the place called "Cailles Rouges." The inquest was opened on the 1st day of September, and was continued during the 2nd and 3rd days of the same month. The body was found at the place called "Les Isles de Mai." I did not go to the place myself, but by my order, Dr. Hamel conveyed the body from that place to "Cailles Rouges."

Cross-examined.

I never went to the place called "Les Isles de Mai," and I was not present at the exhumation of the body.

Dr. JOSEPH ALEXANDER HAMEL, examined :

I know the prisoner. I am a Doctor of Medicine. As such, I accompanied Dr. Boudreau, the Coroner, for the purpose of holding an inquest at "Les Isles de Mai." The package containing the clothes, and one containing hair and beard were sealed by me. These clothes with the hair and beard above alluded to, I found in a box supposed to contain the remains of one Jean Baptiste Ouellet. They have always remained in my possession since the day of my finding them.

The gun now shewn was handed to me by the Coroner last October. I kept it in my possession, and I, this morning, transferred it to the Clerk of the Crown.

Cross Examined.

The occasion alluded to in my examination in chief was the only one on which I visited "Les Isles de Mai". I once passed near the place or opposite to it in a boat. I know as well that these islands are "Les Isles de Mai" as I know that this is the parish of Malbaie, because everybody says so. The names of the respective localities are not designated by any particular public title.

I must remark that not only are the "Isles de Mai" included in this description, but also the mainland lying adjacent thereto. The same rule applies respecting "L'Isle Verte" and "Sept Isles".

I kept the gun in my office, and having changed my place of residence this spring, I put it in my garret. My servant is the person who most frequently goes into this garret, and very few others go into it. With respect to strangers, very few go into my garret, as I am not in the habit of receiving them in such a place. I did not place any special marks on the gun. I only know it as the one given to me by Dr. Boudreau, from its general appearance, the form of the barrel, the mounting, the ramrod, the breech, (as it was originally a flint gun) and because the lock works badly. I further recognize it by a chip taken off near the lock, by a fissure in the mounting and by a

knelt on the stock of the gun. I am not versed in the right and left principles of a fowling piece, but when I shouldered this gun and presented it, the marks were to my right. From the date of the finding of these clothes in the box, they have remained in my possession. I had them washed in my own presence, had them dried under my own inspection, and then placed them in a small travelling bag which contained the documents relating to this matter and my money. This bag was always kept under lock and key, and I kept the key myself. I think it improbable that any of the crew or other persons interfered with or opened this bag. The key of my bag is a very small one, and does not in any way resemble the keys of seaman's trunks. I only absented myself twice from the schooner during the trip and that only for a few moments. I positively swear that the clothes I now produce are the same. There is a large piece of cotton cloth 12 inches in length and two inches in width, also two small cotton cloths. When examined as a physician, I shall be in a position to give more details respecting these clothes.

ALFRED ACHILLE HAMEL, examined:

I know the prisoner. I am a Provincial Land Surveyor. Accompanied by the Coroner and my brother Dr. Hamel, I visited "Cailles Rouges." We found at "Les Isles de Mai" a box containing a skeleton. Germain Gagnon and Alexandre Gagnon shewed us the place where the said box was to be found. Dr. J. A. Hamel then took charge of it, and conveyed it to "Cailles Rouges" where Dr. Boudreau was, and where the inquest was to be held. On the first day of September, the Coroner summoned a Jury, and an inquest was held; I prepared the plans of the locality, and I now produce them. One represents the North Shore of the St. Lawrence, from "Pointe des Monts" to "Sept Isles," inclusively. The other represents "Les Isles de Mai." The place where the skeleton was found is represented on this plan by a black cross. This cross or designation is on the West Point of "Les Isles de Mai." (The Court here ordered that the plans produced do form part of the record.) From the peculiar geographical position of "Les Isles de Mai" no one would dream of passing any time there. It is a locality not generally frequented. The place where the skeleton was found, was a retired spot; travellers generally visit the North side. This place is far removed from the settlements; the nearest house to "Les Isles de Mai" is Mr. Riverin's at "Cailles Rouges" on the West side, and to the East, no house can be found before reaching "Sept Isles."

"Les Isles de Mai" are in the district of Saguenay.

Cross-examined.

I passed by these Islands in winter, on my way to *Natashquan*, and again last summer during the holding of the inquest. The distance from "Les Isles de Mai" to "Cailles Rouges" is nine miles, and from "Les Isles de Mai" to "Sept Isles" about twenty-seven miles. There is an inhabited house at St. Margaret's River.

PETER MALONEY, examined:

I am the brother-in-law of the prisoner through marriage of two Sisters. Ouellet came to my house, on the 9th September, 1867, and he left it on the 14th of the same month. When Ouellet left my house, he said that he was anxious to reach his family at Rivière Ouelle. When he started, he was dressed in an India rubber over coat, a glazed hat (south-west) and a pair of glazed trousers. I did not see his under garments. I did not see his gun. Last winter when Poitras, was in gaol, I found Ouellet's *south-west*, at his house. It was shown to me by his family. When Ouellet was with us, he had a sore arm, which continued from the date of his arrival, until the date of his departure. Before the arrest of Poitras, on the 20th of May 1868, a barge arrived from Rivière Ouelle. The men on board of this barge, asked me if I could give them any information respecting a man called Poitras, who had crossed Ouellet to the north shore. I replied in the affirmative; they then asked me if Poitras had spoken to me about Ouellet, and if he had said anything to me, about the place, where he had left him. I replied to them no. They then led me to understand that Ouellet had been killed by Poitras. I then sent for Poitras but he did not come. I then sent for him again, though the mail carrier and he still failed in coming to explain the disappearance of Ouellet.

Cross examined:

Ouellet remained four days at my house. I identified the (*South-west*) hat of Ouellet by a small piece in the border. It was not positively an old hat, and Ouellet had not his fingers wrapped up, and he moved his arms

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freely. I did not, during his residence at my house, apply bandages to his arm or wounds. I do not know whether Poitras received copies of the informations I laid in proper form.

THEODORE LAMONTAGNE, examined :

I know the prisoner, I live at St. Anne des Monts. "*L'Anse à Jean*" is at some distance from my residence. I am a merchant ; I have known the accused for some time. In the fall of 1867, about the month of December, Poitras purchased at my store goods of the value of six or seven dollars for which he paid in cash. Poitras was not in the habit of paying cash for goods purchased, particularly during that summer and I cannot understand how he could have done so.

Towards the close of the month of August or the commencement of September 1867, I had purchased a barge from Poitras who had reserved it for himself in order to take a trip to the north shore, for the purpose of conveying codfish. He did not make this trip. I produce a letter; this letter is not dated. It was not in an envelope, the paper being merely folded; this letter was to my address. Underneath my name, the following words will be found : Mont Louis, 12th June, 1868. The letter is signed "J. Ouellet, navigateur." When I received this letter, I was not aware of the disappearance of Ouellet, in the spring of 1868. I have never been able to establish the fact, as to who had delivered this letter to me. I found it on the counter of my store. Poitras had been in my store that day, he purchased on account of Mr. Roy, goods to the amount of three pounds.

On examination of the letter, I recognized the hand writing of Poitras and thought that this man Ouellet, had obtained the services of Poitras to write in his name; the signature is in the same hand writing as the body of the letter, and the address is also similar. I have no knowledge how it came into my possession. Some time afterwards, I ascertained something relative to a man who came from "Mont Louis," and I asked him if he had had any knowledge of one named Ouellet, who was supposed to own a barge at *L'Anse à Jean*. He replied, no, I do not know him. Later, I learned that Ouellet had started with Poitras. This was the first time that I heard anything concerning this matter. I now produce notes given by Poitras and by comparing these notes with the hand writing of the letter, I thought I recognized that of Poitras, and that the hand writing had been imitated in certain portions thereof, and in this there can be no mistake.

On the address of the letter I remarked E.....g..... for Esquire, and I saw even before opening it, by these two letters, that this letter was from Poitras, and I immediately made that remark to my clerk. I never knew Ouellet, and never had any transactions with a man of that name respecting a barge.

Cross-examined :

I have already seen the signature of Poitras to certain promissory notes. I compared the signature of the letter with that affixed to other notes. The hand writing is slightly disguised. The letters E...g...being on the address. I recognized the hand writing of Poitras. I also recognized the orthography, and Poitras' mode of writing. The letters E...g...being found on several notes, which I now produce. (The defence at this point made certain efforts to compel the witness to say that the letter "g" is a "y" : The witness maintained his position and again compared the letter with the promissory notes.) I felt thoroughly convinced that the letter came from Poitras. The heading *Mont Louis, 12th June, 1868*, is not in the hand writing of Poitras; the orthography seems to be similar in the word *Monts*, but in the letter I find it to be *Mons*. With respect to the orthography, the salient points of resemblance are "*L'Anse à Jean*," "*Ste. Anne des Monts*." With the exception of one letter, and the letters E...g...instead of Esquire, or in French "*ecuyer*". The word "*je*" also perfectly resembles the hand writing.

I reside at a distance of three leagues from Poitras' residence. It is quite possible that he may have received money without my knowledge. Poitras received money from Montreal and also from myself, but not at the period spoken of.

I did swear to the affidavit now produced. I gave it last term under date 15th December, 1868.

On comparing the letter with the promissory notes, I find a small difference in the mode of writing the number 5. I find therein no important lack of resemblance, but a great many points of resemblance.

Poitras, according to my personal knowledge of him, is an intelligent man.

I had a difficulty with him in 1866 on business matters, but I never had any personal exchange of disagreeable words with him.

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Re-examined :

The words *Mont Louis* 12th June, 1868, show the postage stamp. The word "*Mons*", at the end of "*St. Anne des Mons*" on the address of the letter, may have been abridged, because the name of the locality was wanting at the end of the line. Judging from the appearance of the whole, in other words the general contents of the letter, I recognized the hand writing of Poitras.

TUESDAY, 15th June, 1869.

MAJORIQUE COTE :

I know the prisoner at the bar. I am High Constable for the District of Rimouski. Poitras the prisoner, was first arrested by me.

The gun now produced is the one I found last July at L'Anse à Jean at the residence of Poitras. The gun was hung up on one of the posts of the house. I was the person who conveyed to the Court House at Malbaie the box and the package now produced to me.

The box bears the seals of the late Commandant Têtu, which he placed on the borders of the box before sending it by the "Lady Head."

This box was addressed to the Sheriff of Rimouski, who placed it in my possession.

I have since that time kept it in my possession. A letter was sent with this box : I produce it as coming from Mr. Têtu. (The defence here objected to the proof of the signature of Mr. Têtu. This objection after discussion between the Crown Prosecutor and the lawyers for the defence was not maintained.)

Both the signature and hand writing produced are those of Mr. Têtu.

The package, the contents of which I now examine, containing *India Rubber over coat*, south-west razor, razor strop, and prayer-book, placed in my hands by one Peter Maloney, during the first days of December, 1868 ; I myself brought and produced it at the last term of the Court of Queen's Bench.

When I arrested Poitras, he said nothing to me, but later when under my charge, he did say something ; (The defence here objected to that portion of the evidence, as the prisoner was at the time in charge of a constable ; the Crown Prosecutor did not contest the objection.)

Cross-examined :

I know that the seals alluded to are those of Commandant Têtu, because they bear his initials, and in his letter, mention is made of the box thus sealed.

Other persons may possess a seal with the same initials ; I recollect having seen Mr. Têtu's seal and it agrees with the letters on the wax.

I never saw the gun in the hands of Ouellet, and I do not know that the said gun ever belonged to him. I recognized the hand writing, because I had seen it several times, and also because I had been so informed by other persons.

GERMAIN, alias LUC GAGNON, examined :

I know the prisoner.

I am not a relation of Poitras, and am not interested in him. In the month of June, 1868, accompanied by one Alexandre *alias* Agapit Gagnon, I passed the night at "*Les Isles de Mai*." I started in search of wood. On the borders of the forest I saw the ground disturbed, and I thought that it was the burrowing of a ground hog ; there appeared to me to be no sign of the burying of a human body. I then called aloud to my companion to inform him of the fact ; he came to me and I trod upon the grave ; in doing so, a noise was heard. My companion then said "it is neither a ground hog nor a muskrat, but a dead man." I then moved the earth with my hand, and I perceived that it was the remains of a human being ; it was only covered by from one and a half to two inches of ground. I unearthed a portion of the body, and drew out the right arm ; I wished to continue the exhumation but my companion opposed it. On the body I only found a shirt, and a flannel under shirt, of canadian wool. The shirt was of red and black wool, and I did not remark whether it was of canadian flannel or not. The shirt was drawn up under the arm, and so also was the under shirt. The body was placed on its side, partly on the back and partly on the side; the head towards the woods, and the feet towards the sea. The body did not appear to have been buried with care ; it seemed rather to have been the act of some person in a hurry ; I have found a great many dead men, but there was always some mark which indicated Christian burial ; in this case there was no mark at all.

From the position of the body, I was impressed with the idea that it had been placed there after the commission of some evil deed.

(Objected to by the defence, on the ground that the witness gave his impressions;) objection over-ruled, and the witness further said that some crime had been committed. I returned to Les Isles de Mai twenty-two days afterwards with Mr. Têtu. This was in August 1868, and we went there to assist at an inquest.

(The defence here demanded the production of the proceedings at that inquest; The Clerk of the Crown stated that it was in the hands of the Solicitor General, who sent for it last summer and had never sent it back. The Court decided that the proceedings at the enquiry had nothing whatever to do with the trial, as the said trial is based upon the Coroner's inquest.)

We found the body in the same position as when I first saw it; it was quite decomposed. I remarked a linen rag on the right arm, placed there with gum, also two pieces of cotton on the fingers of the right hand. We also found hair, and portions of the beard. The beard was of a reddish colour, the hair was brown and of a lightish hue; a woollen undershirt, a woollen cravat round the neck. Mr Têtu picked up the shirt, and a piece of the cravat, which he placed in a box. I remarked the appearance of a blow from a cutting instrument, because the severing of the shirt corresponded with that of the flannee undershirt. (The Court here ordered the opening of the box. Mr. Frenette, for the defence demanded permission to ask the witness some questions respecting the contents of the said box before opening it. Granted by the Court.)

Witness examined by Mr. Frenette :

The rag round the arm was white, but dirty, the cravat, or necktie, was knitted and of a whitish colour. The shirt was red and black. It was mended at the elbow with a red and black patch, but of a different pattern. These articles were placed in a box similar to that now produced; this box looks very much like it, but there might be similar boxes. (The box was then opened by order of the Court.)

Examination-in-chief,—Continued.

I recognize the shirt and the end of the cravat as those found on the body, which were placed in the box in my presence. Mr. Têtu, after his enquiry had a box made, and placed therein the human remains, and he buried it at the same place. He placed a black cross over the grave. When I then saw the body there were a great many worms, and the bones seemed almost denuded of flesh; when I saw it the first time the colour seemed fresh; the second time it was one mass of worms. The rags now produced I recognize as those found upon the body. The hair and portions of beard also produced, are similar to those found upon the body. After my second trip, I returned to Les Isles de Mai, with Dr. Hamel, and Dr. Boaudreau, to show them the body supposed to be that of Ouellet.

We found it at the same place, and in the same box deposited by Mr. Têtu. We transferred it to "Cailles Rouges," for the purpose of holding the inquest.

I was present at the inquest.

The bones, beard, hair, and rags, were in the box. I recognized the box, containing the bones; it was the same box deposited in the grave by Mr. Têtu.

I live at Moisie, and have resided there for six years. I am a mail conductor on the North Shore, and have been in that position for the past two years.

I convey the mails twice a week between Moisie, and "Les Bersimis," "Les Isles de Mai," are situate between these two places. "Les Sept Isles," are between "Les Isles de Mai" and Moisie. Leaving "Les Isles de Mai," eastward, the first inhabited place is "Les Sept Isles."

There is a house at St. Margaret's River but it is not inhabited; from "Les Isles de Mai" westward, the first inhabited place is "Cailles Rouges" at Mr. Riverin's residence. In order to reach the first habitation eastward, after leaving "Les Isles de Mai," it is necessary to go to "Sept Isles," and westward to "Cailles Rouges," there can be no other way of reaching civilization, except by travelling one hundred and eighty leagues through the woods, in order to reach Hudson's Bay. The whole of this trip would be through an uninhabited country.

I know the locality called on the plan "Les Isles de Mai." I never saw J. B. Ouellet on the North Shore, and I never heard it stated by anybody that he had been seen alive, on the North Shore.

A person on "Les Isles de Mai", would be compelled to go either to "Cailles Rouges", or to "Sept Isles," for provisions.

The place where the body was found is not generally frequented, but is only a harbor of refuge for barges and small vessels.

Those who understand its advantages as such harbor, use it, but generally, they use the lower side of the Islands. The place where the body was found is more retired and more hidden than the lower end of "Les Isles de Mai."

Question.—Have you any knowledge of the burial of persons, at "Les Isles de Mai," and have you heard it said by any person that human remains have been buried there? (Objected to by the Defence. Objection over-ruled.)

Answer.—No body has been buried there; it was not possible for a drowned man to be thrown by the waves on the spot where the body was found. When dead bodies are found, those who find them, generally have them interred in Cemeteries and the fact is made public.

In the fall of 1867 neither Poitras, nor Ouellet were seen at Moisie.

As I have already stated I absented myself in the performance of my duties as Mail Conductor; during the same fall, neither Blanchard, nor Potvin, were seen at Moisie.

These two persons have been drowned, and so found, two years and a half ago.

Cross-Examination.

My first visit to "Les Isles de Mai," was made on St. Peter's day, (La St. Pierre); the snow had disappeared during the previous three or four days.—I saw "Les Isles de Mai," eighteen days previous to this visit and there was a great deal of snow. The temperature was warm, during the fifteen days ensuing; I do not recollect if the weather was warm or not.

The arm that I moved was stiff, and the skin of the deceased was of a fresh colour. The body was not in a state of decomposition. Both shirt and under shirt were raised up under the arm of the deceased, I did not sufficiently unearth the body, to see any wounds. There was no trace of blood on that portion of the body, which I saw, and none on the shirt.

The sun, during a portion of the day must have borne on the body.

The sun is very hot on the sands, more so, than in the interior of the forest. The only thing that made me believe that a crime had been committed, was the absence of a cross. A protestant never puts up crosses, but he puts up something else, if some time had elapsed since the burial of the deceased, the cross might have disappeared.

The body presented a fresh appearance and was quite thawed.

The Indians pass there occasionally but I cannot say whether they could have carried away the cross or not.

On my first trip to "Isles de Mai," with Agapit Gagnon, we had camped at this place. We selected it, because it is the only one in that locality where there is a sandy bay, and fire wood.

People pass this place at all seasons of the year, but where the body was found, is not an ordinary harbour even for canoes and barges. In the woods, the ground is not suitable for burial; there was more facility in the sand.

During the twenty-two days that elapsed between my first and second trips to "Les Isles de Mai," the body had become completely decomposed. I do not believe that a man falling on a snag could have injured his shirt, to the extent of that shown on the one found and seen by me on the body of the deceased. The two cuts, one on the shirt, the other on the under shirt were not in opposite directions, and I saw them separately; the rags have been washed since I saw them; I did not measure them to day or previous to this time. I think they are the same, but they might be other rags. I think that about one month and a half elapsed, between my second and third trips. I frequently stop at "Les Isles de Mai;" other persons may have stopped there too.

It is a well established fact that "Les Sept Isles," is the place nearest to "Les Isles de Mai," on the east side during the past two years. When I am not at Moisie, some persons might have passed there without my knowledge. The body was found, at 20 or 25 feet above the highest tide mark; but I never saw the highest tide at that place. It sometimes happens in the fall and spring that the water rises to a higher point than that. There are cemeteries at "Cailles Rouges," Trinity, and "Sept Isles." Mr. Tetu did not take it to the cemetery as he was in too great a hurry. I did not convey it there as it was already buried. I saw that there was a grave, as the grass had been lifted up. It is customary to carry corpses to the nearest cemetery on the North Shore. It is more particularly so when the distance does not exceed six leagues. I never saw a corpse on the North Shore because they are picked up. I live

at Moisie. I pass the whole summer at this place, and I only convey the mails in winter. I am a hunter during both summer and winter. I do not travel much during the summer. I know that Blanchard and Potvin were drowned, because they left my house in a boat; that they have never been alluded to since as their boat was found on the North Shore. Blanchard lived on the North Shore and was a married man. It has already happened that a boat has broken her painter. I do not recollect having been heard as witness by Mr. Tetu. The first time I saw the body, it was about two feet from the edge of the wood. I do not recollect having stated at the Coroner's Inquest that it was at 20 feet from the edge of the wood, (The inquest of the Coroner here read mentions 20 feet.) I am positive in stating that the arm drawn out the first time was the right arm. My memory is not very good, and I may have forgotten and have stated to the Coroner either that it was the right or left arm. I then swore to what I believed to be the truth. I unearthed the left side and of this I am positive. The woods on "Les Isles de Mai" are to the North west of the sea. The head of the corpse was at the side of the woods, facing towards them, with the back towards the water. I may have sworn before the Coroner that the head was to the south-west and that the face was towards the South. The corpse had its face upwards. I found the corpse in the evening with my hand, and I unearthed it in the morning with a paddle. My companion thought that it might be the body of a person who had died of a contagious disease. The corpse had on an old pair of socks, a shirt, a cravat and a flannel under-shirt. I swore before the Coroner that all these were worn by the corpse. My evidence was read to me by the Coroner. (The evidence before the Coroner being now read, it is found that mention is only made of the shirt and flannel under-shirt. When I gave my evidence before the Coroner, I intended to allude to my first trip to "Les Isles de Mai," when I saw the body for the first time. The body was buried in moving sand.— There was a piece of bark over the face which I did not remark the first time, but which I saw the second. (Evidence before the Coroner was here read.) I did not swear before the Coroner that the piece of bark was there the first time. (This fact is mentioned in the examination before the Coroner.) The second time, there was skin on the belly, on the right arm, and in several places. The body when I saw it the second time was a mere skeleton. The first time I saw it, it was on the right side and back. I now recollect that it was the left arm I pulled out.

The beard, hair, shirt and cravat were placed by me before Commandant Tetu, on board of "La Canadienne." The cut in the shirt was on the right side. I think this cut may have been from $1\frac{1}{2}$ to 2 inches in length. There were a great many worm holes in the shirt. (The Coroner's inquest here establishes that witness stated at the time that there was on the left side a hole made with a cutting instrument.)

The second time, when I returned to the place with Commandant Tetu, we found a whole cravat. (Evidence before the Coroner read.) I do not recollect having stated before the Coroner anything respecting the cravat.— The hole in the shirt was split, but this split was nothing particular. The herbs or grasses growing on the borders of the woods, are found on sand in different places. I cannot say whether the wood extends any distance, as I did not visit it all. If I had anything to hide, it certainly would be safer to hide it in the wood. The custom on the North Shore is to bury the bodies where they are found.

Re-examine/.

The place where I found the body is a hunting ground. Mink, foxes and game are found there. It is one of the best hunting grounds on the north shore. It seems difficult to think that the tide could rise to the place where the body was found. By the tide mark, I could see that it could not reach that point; I passed the whole of the summer of 1867 at Moisie. I commenced to carry the mails in the commencement of December, and it was on the 10th of December that I made my first trip with them.

There was not sufficient earth in the woods in which to bury a corpse without bringing some from the surrounding places.

FRANCOIS POITRAS, examined :

I know the prisoner. I do not know whether I am a relative of his or not. In September 1867, I left Mont Louis with my wife, and Francois Gagné to go as far as L'Ance a Jean. I stopped at prisoner's house. He was about leaving for the north shore with J. B. Ouellet who was then also at his house.

I asked J. B. Ouellet to accompany us, as he said that he wished to visit his family at Rivière Ouelle.—Ouellet then said that he had a trip to make to

the north shore with Poitras, and that as the winds were changeable, he would probably overtake us. This conversation was in presence of the prisoner. Ouellet was to have returned to Rivière Ouelle with his own barge which he left at L'Ance a Jean. When Ouellet left for the North, he wore a black woolen cap, black cloth pilot trousers which appeared to me to be corded, and a pair of English boots or "gaiters," a red and black mixed woolen shirt. I saw two boxes in the barge, but I do not know to whom they belonged. I saw a gun that Ouellet told me was his. The gun now produced is that same gun. There were some provisions in the boat in which Ouellet and Poitras crossed. If this be the shirt now shewn me it is a good deal changed. It might have thus changed its appearance, though the same shirt, from the fact that it was buried. The fingers of Ouellet's right hand were wrapped up with cotton rags. The cloths or rags now shewn me are those I washed when taken out of the box. They were not so torn up when Ouellet left for the north, but apart from these tearings they look like those which he then had on. J. B. Ouellet, although I never measured him, was a man of about 5 feet 5 or 6 inches in height, his beard was curly and redder than his hair which was more of an auburn color. The beard and hair now produced look very much like those of Ouellet. They look precisely like them. The under jaw in J. B. Ouellet was shorter than the upper, and one could perceive that, when he spoke. His limbs were slender. Ouellet told me that Poitras was taking him to the North Shore to a wreck below the Moisie. J. B. Ouellet may have been 26 or 26 years of age. At St. Anne des Monts, Poitras in conversation with me said: "If he could get clear of this affair, he would give them a slap that would stick to their fingers and that they would laugh over that corpse."—I never saw J. B. Ouellet afterwards, and have never since heard of him. I left L'Ance a Jean after Poitras and Ouellet had gone. I saw them leave. The wind was from the south-west. I had no other conversation with Ouellet before they left, except those already given by me in evidence. I live at Metis. I did not know Ouellet before that time.

Cross-examined.

The shirt now shewn me is so much changed by contact with a corpse, that I cannot exactly recognize it. I never saw a shirt that had been on a corpse or buried. When I saw the gun, it was in Poitras' house in the hands of Ouellet. There were other guns there. Ouellet showed me the one now produced as his. There was another gun at Poitras' affixed to a beam. Ouellet spoke to me of hunting. I examined the gun. The barrel was round, the mounting was cracked, and a piece of tin connected the mounting with the barrel—The cock seemed to have been subsequently put on. I did not price the gun but I examined it well. I did not try to cock it. I saw the gun again at Mr. Lamontagne's at St. Anne des Monts, but this time I did not examine it. I obtained the gun there to take it on board the schooner. I was accused of and imprisoned for the murder of Ouellet. It was I who informed against Eugene Poitras, and it was this information that obtained my liberty. I was not pleased at being imprisoned. Messrs. Lamontagne and Leclerc gave the affidavits proving the mistake. The crack in the gun is near the lock of the right hand lock plate. Several guns have round barrels, and that of Ouellet has a round barrel. A great number of flint guns have been changed to cap-guns. I am not prepared to swear that the connecting piece (douille) is of tin, but it looks very like it. Tin blackens with age. A great many common guns are arranged with these connecting pieces (douilles). The crack is three or four inches in length. It is not very open. Guns crack very often, but always at the same place. If I were to be shewn a gun precisely similar to this one, with the same appearances, I would find such a thing extraordinary. It was not agreed that I should wait for Ouellet at L'Ance a Jean, but he expected to catch up to me. I had gone to Cap St. Ignace. Ouellet was to come back immediately. He said that Poitras had persuaded him to go as they would find some chances at the north. A great many persons are of the height and build of Ouellet. Others than he may have hair and beard of the same colour. The lower teeth went inwards about half an inch. The length between the lower lip and the chin was as with other men. I met Ouellet by accident at "L'Ance a Jean"—I am a *voyageur* and I have often met men whom I have never seen again. I did not see a gun in the barge, at least I do not recollect that I did. I did not see my evidence before the Coroner and I did not hear it read. In speaking of the blow "*patarife*," I understood Poitras to mean that he wanted to take an action against them. I do not recollect hearing Poitras say anything else but what I have stated. I do not know to whom the provisions belonged.

Cross-Examined.

I bear the same name as the prisoner, and it was owing to a mistake in the name that I was arrested and imprisoned. The connecting piece

(douille) is the same one I saw on the gun at Poitras' house. Considering the whole, it is the same gun.

HECTOR HUOT.—*Examined.*

Is a Bailiff at La Baie St. Paul. Was present when a corpse was exhumed at "Les Isles de Mai" last September. I have a knowledge of the clothes found with the corpse at the time of the holding of Coroner Boudreau's Inquest. They are now produced. They are those found on the corpse. They were found in a box containing bones. I went there as bailiff and I received about \$40 for my services. I had never been to Les Isles de Mai before that time. The rags were washed by François Poitras, and I had them dried myself. I measured the longest rag with my fingers, and I remeasured it this morning. I cannot say whether they are of linen or cotton. It would be a peculiar coincidence if similar ones were produced. With the exception of the longest having been measured by me with my fingers, I made no mark upon the rags. I do not believe that another rag of the same length and width having been washed under similar circumstances, could be produced. I have not seen these rags since I saw them at "Les Isles de Mai," with the exception of to day. My memory may fail me, as it does with many others. I generally recollect a circumstance when I gave it my positive attention at the time. I have a most extraordinary memory. At the time, when down there, I supposed it likely that I would be a witness. Very often I notice things very particularly. This being a valuable trip, I did pay particular attention. The last time I saw these rags was at "Cailles Rouges." I do not recollect having on my arrival from Les Isles de Mai, shewn to Idalbert Girard of Pointe à Pic rags which I stated came from the bones and were supposed to have been wrapped round Ouellet's fingers. I had in my possession rags belonging to the flannel under-shirt; I may have shewn some of them to Girard. These rags had also been in the box with the bones. I gave these rags from the body, and the flannel under-shirt to Dr. Hamel at his house at Malbaie. It was Dr. Hamel who had instructed me to take charge of them. These rags were wrapped up in the flannel under-shirt. I was not entrusted with the care of the rags from the fingers and arms now produced.

MARCEL LECLERC.—*Examined.*

I lived at the time at "St. Anne des Monts." Before the inquest, I think it was a year previous to September of last year, I visited Poitras at his house. He was then building a large barge with which he said, he wished to go to the north shore, to Moisie, to see if the place suited him. He wished to see if "Petite Anse" was a nice place to settle at. This place was three leagues further down. At the same time, I mentioned to him that I wished to go to Moisie myself to see if there was any money to be earned, and to settle there. He said that he would take me with him if I liked. I then went on a trip to "Capucin," and I returned. I went to his house on the word of Carrier who told me that Poitras would take me to the north. Ouellet was at Poitras'. I then asked him if he would come to the north with us. Poitras said that he was only going for two or three days. I replied that this would not suit me, as I would have to remain there a much longer time. Poitras replied, if you do not come, I have at any rate Ouellet to assist me in crossing. I then said, as I am not going, will you bring me back news from "Moisie" and he, Poitras then promised that he would. Ten or eleven days afterwards, I learned that Poitras had returned from the north shore. I then went to him to obtain news of "Moisie;" he then told me there was a Railroad there; I asked him if he had been to "Moisie;" he replied that he had; I asked him if there was any money to be earned there; he then said there was a Railway, large hammers, and several other things; I then said, (what about your man?) He replied (Oh! my man; I obtained an engagement for him there at three pounds a month.) In speaking of "your man" I meant Ouellet, but I do not recollect if Ouellet's name was mentioned; he spoke to me of Ouellet, and going to the north, and I understood that he spoke of Ouellet, at that time as engaged by him. We did not name Ouellet, but I wished to allude to Ouellet. Poitras having made his trip to the north, I happened to be at Mr. Lamontagne's, with Poitras. (This was in the course of the winter.) Poitras in my presence that day purchased some goods for cash. I was present when Mr. Lamontagne found the letter on his counter; I was at Mr. Lamontagne's in the summer of 1868, and saw Poitras purchase goods on an order from Mr. Roy. I saw Ouellet at Poitras' before he left; his coat was off, and as far as I can recollect it seemed to me of red and black wool knitted. I was a stranger to Ouellet; I did not speak to him at all; I know that Poitras only made one trip to the north with Ouellet.

I did not see them start; I have no knowledge of Ouellet's return from the north with Poitras. I know of a barge which belonged to Ouellet; neither

Poitras nor Ouellet told me that it belonged to Ouellet. This barge should still be in its usual place. I never had any conversation with Ouellet. When Poitras said that he would bring Ouellet back to the south, I understood by the words he used ("we are coming back immediately") that he would do so. Poitras on his return from the north did not say any thing particular to me concerning Ouellet, nor that he had brought him from the north to the south shores.

Cross-Examined.

I have frequently passed Poitras' house, and I do not believe that Poitras made two trips to the north. I reside at one league from Poitras'. I neither saw him leave nor return. I do not believe that Poitras could have made two trips from south to north without my knowledge. I pass Poitras' house some times twice, some times once a week. I give this opinion because in passing, I observed the boats and barges, and Poitras, and myself, saw a great deal of each other. I did not remark how many times I saw Poitras after his return, but I saw him more than three times. If a man had been willing to make a second trip he could have done so. In the trip he did make, he was absent from ten to twelve days. During this time, I passed Poitras' house at least once. I know that Mr. Lamontagne's barge was away. In September 1867, I had been living for from one to two years below Poitras' house. The distance from "Ste. Anne des Monts" to the "L'Anse à Jean," is eight leagues, "St. Anne des Monts" is above. From my house to "Ste. Anne des Monts," the distance is four leagues. In giving my evidence before the Coroner, I may have said that the distance was 4½ leagues. It was about the 20th or 25th of September, that I went to Poitras' house. I do not recollect whether at the Coroner's Inquest, there was a question of shipwreck discussed between Poitras and myself, or if it was ever spoken of. In the conversation held at Poitras', nothing was spoken of, but of the probable chances at Moisie. (At this point his deposition before the Coroner respecting the shipwreck was read.) It takes eleven days to reach "Moisie" from "L'Anse à Jean;" if the breeze is good, the crossing may be made in one day; with a moderate breeze it can be reached quicker. When we speak of a short passage this seems to mean when there is a good wind both going and returning. Poitras said that he would not be long; only two or three days. I did not find that he was very long. I cannot positively state what time it generally takes to effect the crossing from south to north, and from north to south. Poitras told me that his brother *Francis*, whom he saw, was engaged at 10s. and his children at 5s. per day at Moisie. I asked him if he would cross again, and he replied "No." I cannot say if Poitras, (who worked for Mr. Sasseville, land owner) purchased for him, or for another at Mr. Lamontagne's. Poitras is a good workman. There is very little money in our locality. I think that Poitras required the full amount of his earnings. Mr. Sasseville has the means of paying in cash but he is devilish careful of it. It is impossible for me to say whether Poitras crossed any other man but Ouellet, to the north with him; Ouellet appeared to me to have a red beard, with much lighter hair; I did not pay sufficient attention to him to describe him. Ouellet, might have returned to the south shore, without my knowledge. I never saw Ouellet but on that occasion.

Re-Examined.

It was after the trip made to the north shore, by Poitras, when he promised to take me across, that he gave me news of "Moisie," and spoke of the Railway.

JOSEPH DUGAS.—*Examined.*

WEDNESDAY, 16th June, 1869.

I know the prisoner. On the 26th September, 1867, I left for "Cailles Rouges," to reach the house of Mr. Antoine Riverin. The weather became foggy, about 2 or 3 o'clock in the afternoon; the fog continued until about 11 o'clock at night. Our barge and another were following in the same track. About 11 o'clock we heard cries a few acres off. The cry I heard was, "halloo." I am a little deaf; my companions said then, that they heard cries in a lower tone, which I did not hear. Then we heard a noise, which we could not understand. We thought that it was Mrs. Maclure's ox. We believed that we were near the Caribou Islands where she lives. About 3 or 4 o'clock in the morning the fog rose, and we perceived that we were between the Caribou Islands, and Isle aux Œufs at 4½ miles from shore. We then sailed to land. The noise we heard resembled a fight amongst animals. When we heard the noise, we thought ourselves opposite the Caribou Islands. When the fog rose we saw that it could not be the ox, because we were too

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far from land. The noise that we heard appeared to come from about 20 acres distance. Each time we heard these cries, we replied, and then the cries stopped. It was after these cries, that we heard the noise. I know a little of the north shore. Cattle are placed on the Caribou Island at "Cailles Rouges," and Trinity. From these three places the Caribou Islands were the nearest to us. When we saw land, we were from 4 to 5 leagues from it; we were only rowing. After having heard the cries, we ceased to row, and remained becalmed. When we reached the north shore, we went to Mr. Riverin's. I did not meet Poitras that same day at "Cailles Rouges." I arrived at 10 o'clock in the morning, and went to the woods the afternoon of the same day. Two days afterwards I returned to Mr. Riverin's; I then met Poitras. I asked him what brought him to the north shore. He replied that he had undertaken to convey a man to Moisie but that he had not reached there.

He further stated, that he had met with an opportunity, that he had placed his man on board a vessel somewhere about "Les Isles de Mai," to send him to Moisie. Poitras then said "I would have liked to have reached Moisie, to see my brother, who is there, but whom I have not seen for a long time." He said that he had left the south shore, on the 26th September with a south-south-west wind, that is to say, on the same day, that we did, and with the same wind, and that he took a north-west course. I said that we had taken a northerly course, I had with me a small mariner's compass. He said that he had guided himself by the swell of the sea. He said that we must have crossed each other on the night of the 26th and 27th Sept. I then said "did you not cry out that night?" (He said yes) I said "we answered you." He said "I did not hear you." I asked him why he called out. He said because "I wished to see if some one would answer."

During this conversation, I found that Poitras looked strange, and more anxious than usual; I was surprised to notice his appearance. I am a first cousin of Poitras' wife. I have not seen any effects of Ouellet's in Poitras hands. When Poitras was arrested to be brought before the coroner at the inquest, I met him on board the schooner, and spoke to him. (The defence here stopped the witness to ask him if Poitras was in charge of the bailiff when this conversation took place.)

I do not know if the bailiff was with Poitras at the time but I know Poitras had been arrested. The prisoner recommended himself to my good offices, saying (it only depends upon you, and the other witnesses to get me off). (Do speak to the other witnesses that they may clear me) (I replied, "Poitras do not speak to me in this way." When at the inquest, I shall be under oath, and I shall be guided by my conscience.) Poitras added "if I meet Francois Poitras I will shake his body up for him."

When we went to arrest him, the day he was taken into custody by Hector Huot, Poitras said that he did not know "Les Isles de Mai." It is to my knowledge that on that trip, Poitras purchased from Mr. Riverin at "Cailles Rouges" a remnant of calico and a pair of boots. When Poitras told me that he had left Ouellet at "Les Isles de Mai," he said so with hesitation. Poitras started to return from "Cailles Rouges," at the same time as I did. He was returning to the south with a young man named Wilbrod Tremblay. I purchased a loaf of bread from Poitras, who said he had plenty of provisions; I took this loaf of bread from the locker of the barge. It was dark at the time. He told me that his passenger whom he had brought to the north shore, was a young man from Gaspé, and that he had made an arrangement to take him to Moisie. When we started to return, Poitras was alone with young Tremblay.

Cross-Questioned.

I know that it was on the 26th September, because I recollect it. On that trip, I remarked other dates. I remarked them by harvest time which hurried me. I thought I would return for the first grain, and I made my calculations on that time. I did not remark on what day of the week the 26th was. I also failed in remarking whether the 26th was at the commencement or at the end of the week. When I went to the woods, I came back on the third day, and with days of arrival and departure, I establish the whole at three days. When I start on a voyage I sometimes make some remarks.

MR. NELSON, Question:—What date is to day.?

THE WITNESS, Answer.—(Counting on his fingers, replies—"This is the 16th" June.)

MR. NELSON asked the witness several questions respecting dates, but he answered with remarkable good sense.)

I heard those cries about eleven o'clock at night. Navigators understand each other by the cry "Halloo." We can use it. I have already heard this

cry, and I have heard other cries. This cry was followed by those others which were heard by my companions. When a person is in a barge, at the companion way, he can call out from time to time to see if some person hears him, and this happened to my knowledge. (My companion said it appears to me to be the cry of a man in distress,) while I thought it was an ordinary call. From my calculation we thought we were at "Caribou Islands," I did not notice whether the tide was high or low.

Between the Caribou Islands, and Isles any Eufs it is quite possible that the currents may run outwards, I was never becalmed there before. I believe we remained in the same place until we commenced to row. I do not say that it is impossible that we may have drifted outwards; there are currents that rise and others that fall, and barges not properly handled follow the current. I do not know the force of the current on the north shore, the currents rise in the ordinary manner. Near the points the currents pass outside. The distance between "Les Isles de Mai," and "Caribou Islands" is nine Leagues; from "Cailles Rouges," to "Les Isles de Mai," three leagues.

A man killing another in his barge, where we were becalmed, would have had a shorter distance to go to the main land to conceal his crime, than to "Les Isles de Mai." During my crossing from south to north, I saw no other barges, but my own and the one that accompanied me. The cries appeared to come from a distance of from 10 to 20 acres, judging from the echo the weather being very calm. I could not say if the noise of oars could be heard at that distance. In the morning we could see every thing round us, at a distance of more than 20 acres.

Poitras' physiognomy appeared to me different in every respect from its usual appearance more so in fact than we find in a man after a voyage, or after a series of sleepless nights. I was struck with his vacant and anxious look. It is worth about four pounds to cross a man from "L. Anne St. Jean" to Moisie. I received twelve pounds this spring for crossing a man from "Cailles Rouges," to little Metia. I reached "Mal Baie," on Monday evening of last week, and I do not recollect if any person spoke to me, on the subject of the evidence I would have to give during this trial, either before or since my arrival. The fog commenced about 2 o'clock in the morning. When the fog commenced there was a light wind from the southwest. We called out, 'Halloo' to answer the cries we heard. The noise I heard did not seem to be produced by the shifting of sails, I could not myself account for the nature of the noise I heard, I heard no cries either during the noise or afterwards. I arrived at "Cailles Rouges" about 9 or 10 o'clock of the next day. I may have said before the Coroner, about mid day instead of about 9 or 10 o'clock. I believe I stated before the Coroner that I left the next day for Pentecost River, meaning by this the wood to which I went on my arrival at "Cailles Rouges."

Poitras told me at "Cailles Rouges" that he had agreed to take a man to Moisie. He told me that he had not reached there, on account of contrary winds, and because he met a vessel that was going there. Poitras also told me that we must have been together on the river, and that he was the man who cried out. I recollected the facts much better at the Coroner's inquest than to day. Mr. Rivierin delivered calico and boots to Poitras (Evidence before the Coroner read: nothing said about boots.) If the Coroner's inquest does not mention boots, it is because they have forgotten to write it down.

Re-Examined.

Farmers generally remark dates better during harvest time than at any other season. The night of the 26th and 27th September, was a calm night, without wind. I know "Les Isles de Mai" well. I have been there twice. They are a group of Islands between which there are passes, in which schooners find refuge. To reach the main land it is necessary to take a tortuous course among the different Islands which compose the group. The place where the body was found is remotely situated, and better suited to the concealment of a crime, than the place in which we found ourselves that morning. I had no knowledge of the arrival of Poitras at "Cailles Rouges," I remained about 3 hours before leaving for the woods, and Poitras had not arrived. The distance between the place where we were becalmed and "Les Isles de Mai" is about 8 leagues and to "Cailles Rouges" about 4½ leagues. The distance between "Cailles Rouges" and "Les Isles de Mai" is above 3½ leagues. We sailed in the morning with a good breeze. I did not notice the current that morning. We did not cast the line to find the direction of the current. On the north shore the current ran upwards, a barge drawn along by the current would move towards "Cailles Rouges." The distance from "Ste. Anne des Monts," to Moisie, is 80 leagues. From "Cailles Rouges," to little Metia, more than 40 leagues.

DAMASE FITZBACK, *examined*:

I know the prisoner, I live at Matane, and I lived there in September, 1867. I saw Poitras at Mr. Roy's; he was in charge of Mr. Côté high constable who gave me charge of him. I am not a bailiff. I was not sworn, Poitras told me..... (The defense here objects to the hearing of this witness, because he had the same powers as the high constable, whom he represented. The court adjourned at 5½ o'clock on this objection.

THURSDAY, 17TH JUNE.

The Court decided that the mere fact of being in charge of a constable is not sufficient ground on which to recuse this witness. It is necessary to show that the constables threatened or made promises to the Prisoner.

DAMASE FITZBACK, *Re-called*:

(The Court asked him if Poitras knew he was in his custody. Poitras did not know it. I neither promised him anything nor did I threaten him.

Examination resumed:

Poitras told me, that he had a gun, an axe, a knife, and a pair of boots which came from Ouellet. He spoke to me of his trip to the north, with Ouellet, and said he had placed him at Isles aux Basques, on board a barge of one Blanchard and two other men. He said he had heard Blanchard, named on board the barge, but that he neither knew him nor the two others. I have fished at "Isle des Mechins," on the south shore. I have seen Blanchard's barge, it had a white spot on the gunwale and the stern of the barge was low. There was a small cabin in the bow. She had three white cotton sails; on the main sail there was the mark number 9. On the mizen number 2; Poitras thus described Blanchard's barge to me. I thought it was Blanchard's barge. On the 12th of August three years ago Blanchard and Potvin left "Des Mechins," where I was, to go to "Grand Matane," that point was to be their start for the north shore. I only knew Blanchard and Potvin by sight. I never saw the barge again. I live at "St. Felicité" below "Matane." I am not in the habit of visiting the north shore. Poitras told me that Ouellet had left his barge, with a box two feet long by one and one-half wide. He said that Blanchard's barge was going to Moisie.

Cross Examined.

POITRAS told me all this without my asking a question. I spoke to him of Mr. Roy's schooner.

(At the request of Mr. Nelson, the witness again describes Blanchard's barge.) Poitras told me how the barge looked, but he did not speak to me of the numbers on the sails. He said he had seen Blanchard's barge at "Isles aux Basques." Poitras knew that Blanchard was there, because a man cried out "Blanchard bring me the kettle." Poitras did not tell me whether he knew Blanchard or not. I only knew Blanchard from having seen him pass. Blanchard's barge remained off the *des Mechins*, during one month. I even had a sail on board of her. Poitras told me that Ouellet, had given him the effects of which I have already spoken. He also said that he had agreed with Ouellet to construct a barge for him and that he Ouellet, had advanced him eight dollars for the nails, and other articles required for building it. Poitras further said that he had written three times to Ouellet, that he had received no reply and for this reason he had not commenced the barge. I saw Blanchard and Potvin leave *des Mechins*, they said they were going to *Matane*, and from that point to the North Shore. I did not see them leave. Blanchard told me that he was from *Baie des Chaleurs* and that he lived at *Pointe des Monts*, on the North Shore the past two years. He did not tell me that he lived there permanently. I did not put any questions to Poitras except asking him for the number. I cannot say exactly how long our conversation lasted. It may have lasted about three quarters of an hour. Poitras was in my charge during two days. He rarely spoke. Our conversation took place after tea, between 7 and 8 o'clock. Mr. Roy was not present at the conversation. I cannot say at what hour the latter left. This conversation took place before the Coroner's inquest. The Coroner was on his way to the North Shore. I never had a quarrel with Poitras. I received no instructions before giving my evidence. I spoke to nobody about the evidence I would have to give in Court. I was not called as a witness before the Grand Jury. I was surprised at being called as a witness before this Court. I thought I might be interrogated as to what Poitras told me; I could not think of any other reason. I spoke of my evidence to the Coroner and to no other person. This was before the Coroner's inquest, and nevertheless, I did not then appear as a witness. It was not I who spoke to the

Coroner on this subject, but he was informed by Mr. Grant that I had had charge of the prisoner, and should know something. When I informed the Coroner of what I knew, he said that if I should be required, I would be sent for as a witness. I thought that what I had told the Coroner was worth telling to the Court and I thought I might be called as a witness.

JOSEPH MALONEY, examined :

I live at "Rivière à la Morte." I know the prisoner Eugene Poitras. I am a relative of his by marriage. He is married to a sister of my mother. In September, 1867, J. B. Ouellet came to my father's house where I live. He arrived, I think, on the 14th and left on the 18th September, 1868. J. B. Ouellet was to have returned to Rivière Ouellette to join his family residing there. Ouellet's height was from 5 feet 5 inches to 5 feet 8 inches. His beard was red and he had light hair. He had one arm stiff and a little crooked. He was a man of very delicate build. I knew him well, and he was certainly not a man to cope with Poitras in strength. When Ouellet stayed at my father's house, he had on a pair of half-boots, single soled, a pair of blue pilot cloth trowsers, a little worn, a red and white checkered shirt, of flannel, a glazed cap, a tight fitting black cloth blouse, a pair of glazed trowsers and a great coat of the same material, all of which he put on in leaving our place. He also had a gun. The gun now produced is the one which I saw in Ouellet's possession at our place. Ouellet wore on his own person the shirt, coat and the pilot cloth trowsers of which I have already spoken. Ouellet told me that he had from eighteen to twenty pounds with him, but I did not see them. He left our place and stopped at Poitras' house. I saw Poitras on his return from the north shore. He told he had gone to the north shore with Ouellet. Poitras then wore the same clothing that Ouellet had on when he stayed at our place, with the exception of the great coat; but he had one on that resembled another great coat which I had seen in Ouellet's possession at our house. I cannot swear that it is the same coat. I recognized on the person of Poitras the shirt, the trowsers and the boots that Ouellet had when at our house. I am quite positive in stating that I did recognize them. They were the same clothes that Ouellet wore all the time he was at our house. I went myself to Poitras' house, and I recognized the blouse belonging to Ouellet on Poitras' son's back, who told me that it came from Ouellet. I then found Ouellet's south-west and gun and I recognized these effects as belonging to Ouellet. I now examine the south-west, and I recognize it by a mark. It is Ouellet's south-west. The mark of which I speak is a piece (or patch.) When I went to Poitras' house on that occasion, he was not at home. I met him coming from Ste. Anne des Monts. Poitras told me that these effects had been given to him for the purpose of constructing a barge, that he had crossed Ouellet with him, and that these effects had been given to him as an advance on the barge. The first time I saw Poitras, there was no question asked as to the mode by which he had procured these clothes of Ouellet. Poitras told me also that he had during that trip to the north, earned eight dollars at "Caillies Rouges" by working there, with Mr. Riverin. He told me that the latter had paid him cash for his work.

J. B. Ouellet had a box covered with linen. I cannot say whether this linen was nailed down or not. The box was 2½ feet in length, 15 inches in width, and about the same in height. It was of a dark colour, either blue or black. I never saw Ouellet again, but his barge has remained at L'Anse à Jean. It is broken up there, nobody having taken any care of it. I recognized the sails in the hands of Poitras. I have already been to the north shore, and the crossing from south to north is from 20 to 25 leagues. I did not know "Les Isles de Mai" previous to the Coroner's inquest. Poitras said to me: the eight dollars which I received from Mr. Riverin, I used for the purchase of goods. Poitras was not well off at that time, and his fishing operations had been very small. He is not in the habit of having money. I saw him purchase goods on credit in the stores. Ouellet's stiff arm was, to the best of my knowledge, the right arm; it was not wrapped up. The hair and beard now produced resemble those of Ouellet very much; in fact, nothing could be more like them. I see nothing noticeable in the India-rubber coat; the one now shewn me might be Ouellet's. Ouellet's India-rubber coat had a Canadian cloth collar; the collar of that now produced is taken off. I did not see the book, straps and razor that Ouellet had. Poitras told me that he had taken Ouellet to the north shore to see the Moisie establishment, and that Ouellet intended to engage himself there.

Cross-Examined.

I cannot read. (Mr. Nelson here establishes by the Clerk of the Crown, that there is no other name but that of Poitras in the book produced, and causes

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each page of the said book to be examined and noted.) I never saw Ouellet read. I swear that the hairs now produced are the hairs of a beard. I have seen a great many men having hair and beard similar to this; nevertheless, I am certain that to the best of my knowledge these now produced are the hair and beard of Ouellet. They have nothing to distinguish them, however, but their color. If I were to be shewn hair and beard similar, I would say that they are the hair and beard of Ouellet. I have several times seen hair and beard of the same kind. Ouellet wore his whole beard. He was 4 days at our house; I might have said before the Coroner 7 or 8 days. At that time I did not recollect very well, but I remembered it later.

Question.—How do you know it was the 14th?

Answer.—After my return from the inquest in the month of August, 1868. I made some calculations with my mother. There had been a marriage in our house during the first week of September, 1868. It took place on a Tuesday, the 6th. I did not go to the church, but the bride and bridegroom left our house. I do not recollect what day of the week Ouellet came to our house, and I cannot say if it was in the beginning of the week. I am assured by others that the marriage took place on the 6th September, 1867. There is a calendar at my father's house. My memory was better at the Coroner's inquest than it is now. After two years one is likely to forget a little. I did not take Ouellet's clothes in my hands. They were of ordinary material, and other persons may have similar clothes. They were made in the same form. Ouellet was a shorter and smaller man than Poitras. The height of the latter may be about 5 feet 10 inches. The difference between Poitras and Ouellet was about 3 inches. Poitras is a little stouter than Ouellet. I do not know Ouellet's strength; some men of his size are powerful; I never saw him try his strength. Some little men are strong. There was not a great difference in the stoutness and height of Ouellet and Poitras. The gun I examined in Ouellet's hands, but only for 5 minutes: I did so to see what kind of gun it was. I merely looked over the whole of it. I saw it again in Poitras's house in his absence; his son shewed it to me. I examined it again, cocked it and pulled the trigger: it worked badly; it was rusted. I saw the gun again at Mr. Lamontagne's. I examined it, after selecting it from among three or four other guns, and that without searching much. The other guns were one new, and two or three others that had been used. The other guns had different locks. I have not seen it from that time till to-day. I recognized it by all kinds of marks upon it. The breech has been changed; it has been converted into a cap gun, having previously been a flint gun, and it had a connecting piece (*douille*), of tin or copper, and it had a split in the mounting. Since I have been here no person has spoken to me respecting the description of the gun or of the effects. I did not examine the boots that Ouellet had on; I only remarked them because they had short uppers, and were ordinary half boots, without anything remarkable. Poitras never told me that he had Ouellet's boots, but I recognized them; never wore such boots, and on seeing them I recognized them, because they were half worn out. Poitras might have bought these boots from some other person. When I see Poitras with his ordinary clothes I pay no attention to it, or even when he has new clothes on, because I know that the latter came from some of the merchants. It was only on that occasion that his dress struck me. I do not know if Ouellet left the sails of his barge when he started, but on the return of Poitras from the north shore I saw them at the house of the latter. (Evidence before the Coroner read to the witness.) I may have sworn before the Coroner what you have now read, and have since forgotten it. I was not present when Ouellet left with Poitras for the north shore. The difference between my evidence now given and that before the Coroner, may be caused by the fact that the Coroner took down what we had heard said by others, as well as what we actually knew. J. B. Ouellet told me that he had from £18 to £20 that he had earned in different places. The first time I saw Ouellet was when he came to our house. My reason for recognizing the trowsers, was that they were too short for Poitras, and they looked like those of Ouellet. I saw Ouellet's gun at Poitras's house hung upon a beam, and Poitras was at home on that occasion. When Poitras said that he had earned some money at Mr. Riverin's, one of my brothers, who has not been called as a witness, was present. Poitras is an intelligent man; a good workingman when employed, and earns his livelihood. If Ouellet engaged him to cross to the north shore, the job was well worth five pounds.

Re-Examined.

From Poitras' muscles, I would judge that he was much stronger than Ouellet; the latter did not appear as strong; he appeared weak, because he was reduced and slender; he had wide shoulders for his thickness.

ALEXIS PARENT.—*Examined.*

I know the prisoner, I am a relative of his by marriage, my wife is a cousin of Poitras' wife. On the 26th of Sept. 1867, I left for the north shore, about half past five in the morning, with a S. S. W. wind. I left "Cap Chate," for "Cailles Rouges." Another barge left with me at the same time. That barge was conducted by Joseph and Pierre Dugas. Up to mid day the wind was S. S. W. but then it ceased. We used the oars till 11 o'clock that night. The fog was very thick; at that time we heard a cry from 18 to 20 acres from us. We heard 4 or 5 cries; on hearing them, I replied and then they ceased. These cries seemed to be those of some person in trouble, as if he had lost his way and these cries gradually diminished in strength. After these cries I heard a noise as if an oar had fallen on the side of a barge. We then thought that this noise might have been caused by Mrs. Macdure's bull, we thought we were near land. About 3 or 4 o'clock in the morning the fog rose and we perceived that the noise we heard could not come from land as we were from 4 to 5 leagues from land. These cries appeared to be those of a person in trouble, who was anxious to be heard. These cries were unequal in sound, as if coming from a person seized violently, who was anxious to be heard, a short time before 12 o'clock we reached "Cailles Rouges," on the north shore. The noise seemed to me to be like a fight between two persons, it seemed to me as if there was a quarrel between two persons.

We arrived at "Cailles Rouge" on the 27th September, about mid day. On the 28th we saw a barge, it was probably on the 29th September, but I think it was the 28th about half past 2 or 3 o'clock in the afternoon. This barge arrived with a heavy breeze from the west. It came from below, from the vicinity of "Les Isles de Mai," it passed "Cailles Rouge," and returned to Mr. Riverin's establishment. The barge anchored. There was only one man in it. Mr. Riverin sent out for that man, and it was the accused Eugene Poitras, who came up to the house of Mr. Riverin.

I asked him where he came from, he replied that he came from below, and that he had left the south shore to bring a man to the north shore for hunting. He told me that he had left him above a place called "Pointe a Jambon," above a small bay and below a large rock, and that he had left him there to hunt. I passed by water opposite "Les Isles de Mai," and La Pointe a Jambon." There are no habitations in this locality. The distance from "Les Isles de Mai" to "Cailles Rouge" is $3\frac{1}{2}$ leagues. It is the same distance from "St. Margarets River" to "Les Isles de Mai." Poitras when he arrived at "Cailles Rouge," presented a strange appearance; I asked him what was the matter with him. (In the following words.) "You look as if you had had a great deal of misery and trouble." He replied yes, I have been terribly cold. It had rained a portion of the night, and it was raining when Poitras arrived. The weather was not cold. The contractions of his countenance were stronger than usual. I had seen Poitras several times before, but had not remarked such strong apparent convictions of countenance. He looked anxious, silent and pensive, only answering when spoken to. I asked him the name of the person he had brought to the north shore. He said that he was a young man and a stranger; I asked his name 3 or 4 times. He replied that there was no necessity for naming him, as I did not know him. I asked him if it was Peter Malony; he replied, that it was not, but that it was a stranger. Poitras seemed annoyed at my questions. It is very curious that a young man as you say, who knows no body, and no place of refuge, should remain alone in this manner; I am very much surprised. He replied: "He will not stay there long I think, he is a young man of very little intelligence and he will soon leave for Moisie. I started to take some clams for codfishing to Poitras's barge. On reaching there, I saw a barrel on its side and I filled it with clams. I went on board the barge and examined its contents. I saw a box of dark black colour, about 2 $\frac{1}{2}$ feet long by fifteen to eighteen inches in width. It was narrower at the top than at the bottom. It was about fifteen inches in length; on the bench in rear of the barge, I saw a sheep-skin or imitation sheep-skin cap. I opened the locker of the barge and I saw a gun; according to my opinion of the gun now shown me it is not the same, it is exactly like it. I see no difference and I believe it to be the same gun.

I told Poitras the day I had left, the 26th September, and he replied, "I also left the same day and the same morning." He told me that he started with another man whom he brought to the north shore for hunting. He told me that he had fallen into a fog. I spoke to him of the cries, telling him that we had heard cries that night. He told me that it was he who had cried out. I asked him, "what was your reason for crying out in this way?" He replied: "To see if somebody would answer him." I then said that I had answered him. He said, "then I did not hear you." I said, "this is strange, we heard you distinctly." We heard the cries at about four or five

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leagues from land. The distance across is from 5 to 10 leagues. The morning after the fog, the wind was light from the south-west, but it turned to north, and the sea became calm. The wind was suitable for going down-wards on the coast. If the barge had been managed by two men, it might have gone a distance. One man alone might have taken the barge a sufficient distance to move out of our sight, from the distance at which we had heard the cries, and that before the disappearance of the fog. We were not bearing on the same course. Poitras told me that his course was lower down and that he had tacked about a league from Cailles Rouges. From the time that expired before he reached "Cailles Rouges," Poitras had I think, time to go to Les Isles de Mai and return to Cailles Rouges. During the fog, we were between Isles aux Cariboes and Isle aux Ceufs. Poitras said: "On a certain night we must have met (meaning the night of the 26th Sept.) We then spoke of our respective courses and of our trip generally. Poitras said that we must have met. Poitras said that he had placed Ouellet near Les Isles de Mai.

Cross-Examined.

I know that it was the 26th Sept. that I left, as I was engaged to Mr. Riverin. I left Mr. Riverin's to go to the South about the sixth and I was absent about a fortnight. In this trip, I left for Malbaie about the third or fourth of June, I think, on a Wednesday. I arrived on the 27th at Mr. Riverin's and he took my time on the 28th. I did not take note of these dates. I cannot read. I cannot judge of the dates on the calendar. I was heard as a witness before the Coroner in September, the 8th or 9th or sometime in the commencement of the month. I left Cap Chatte six leagues from L'Anse à Jean to come to the north shore. Poitras told me he had crossed to take a man to Moisie, and at the same time to see his brother. I told Poitras that we had left "Cap Chatte" on a northerly course and he said that his course was north-west. The cries were at intervals of from 5 to 10 minutes. They sounded like "Halloo." We replied with the same cry. In a fog these cries are not as clear. They became weakened and we did not understand at the time that this weakness may be caused by the distance, but that might have been the case. The greater distance the cries come from, the weaker they are. When the cries ceased we heard the noise. It was duller than the cries. We heard no other cries but those. The night before Poitras arrived at "Cailles-Rouges" it was raining slightly, with a light north-west wind and it was neither very hot nor very cold. When I saw Poitras, the muscles of his face were in motion, but at "Cailles Rouges" the motion seemed stronger. I found that the gun was not made for caps as they generally are, when we purchase them at Quebec. I made very few remarks about it. Old flint guns are fixed in the same way. I have not examined enough other guns to say that I have seen similar ones. There was nothing particular about the appearance of Poitras' barge, nothing therein surprised me, there was no appearance of blood stains and nothing broken. The night we crossed, Joseph Dugas in the other barge was about 2 or 3 perches from us. We were in a fog and he also replied "Halloo," to the cries we heard. "Les Isles de Mai" are above "Pointe à Jambon." I do not know where the big rock is. I have never been to "Pointe à Jambon" by land, but I know the place by water. I never stopped at "Les Isles de Mai." I heard the cries about 11 o'clock in the evening, the fog cleared off between 3 and 4 o'clock in the morning.

During this interval a man might have gone from a league and a half to two leagues. When the fog cleared off, we saw land at from four to five leagues. If we had looked seawards we might perhaps have seen the barge. It is easier to see the land at five leagues than a barge at two leagues. From Mr. Riverin's we see the barges when they are fishing off the land. We can see them at the distance of one league. Poitras came from the direction of "Les Isles de Mai," and stated that he came from that place. "Les Isle de Mai," as far as "Jam bon," contain open reaches, but I cannot say if there are islands that fill all this space. I do not remember if Poitras told me that he had placed Ouellet at "Les Isle de Mai," but I swear that he told me he had placed him above the "Jam bon" and at the commencement of "Les Isle de Mai." I only saw one gun in the barge; many persons take a gun when they cross to the North Shore. Poitras offered no objection to my visiting his barge, but I cannot say if he saw me going there. He knew that I was going there, and did not appear displeased. The clothes that Poitras had on appeared to me to be neither torn nor stained with blood. I know that he wore a black cloth coat. There was only one box in the barge. When a man leaves for some time he takes a box with him, and it is my habit to do so when I leave for a time. I never saw two persons fighting. I would not be able to say at what intervals I would cry out if I were fighting. That would much depend upon my position. We could not understand whether the cries were stifled or not, but the cries were those of a man in trouble.

Re-Examined.

The voice became weaker as the cries were heard, because the person seemed to be gradually getting weaker. The fog was heavy in the vicinity of "Les Isles de Mai." The rising of the fog was caused by a light breeze from the south-west. This breeze drove the fog down in the direction of "Les Isles de Mai." After we saw land it took at least an hour and a half to clear off the fog.

MATHIAS HUSGOLD.—I know the prisoner, Eugene Poitras. I am not a relative of his. In the fall of 1867 Poitras offered me three dollars with which to purchase peas. This was about the sixth or tenth of October. He told me he had come across the Moisie to get work, and that he had turned back at St. Marguerite's River and had gone as far as "Cailles Rouges." I think he told me that the young man he had crossed over was going to work at Moisie. I have not since seen Poitras on the North Shore. I knew Poitras on the South Shore in 1867. I do not know if he is in the habit of crossing people over to the North Shore. He asked me to call at his house on my way back, and that he would give me some money, a small quantity of codfish and oil to pay me for my peas.

ANTOINE RIVERIN—examined.

I know the prisoner, Eugene Poitras. I am not related to him. At the end of September or the commencement of October, 1867, Eugene Poitras came alone in his barge to my place. When I saw the barge the wind was north. I thought that the man might have been fatigued, and I sent one of my little boys on board with another man to assist him in coming ashore. When he arrived at my place I asked him where he came from. He told me that he had crossed a man to the north shore. I said to him, "It must pay you well to cross a man to the north shore at this season." He replied, "No, it does not pay very well, but I crossed with the intention of seeing my brother at Riviere Marguerite, and I was prevented, as contrary winds would not allow of my progress, and I came in here." I do not recollect his stating where he had placed his man. Poitras worked about one day at my schooner. I offered him payment but he would not receive any. Poitras purchased some goods at my establishment. I cannot state exactly to what amount, but I believe to the amount of several dollars. He had in his possession both paper money and silver. I cannot state whether he gave me a one or a two dollar bill in paper. Poitras desired to purchase several kinds of goods which I had not in stock. He did not seem to be embarrassed for cash. I had offered to pay cash for them. He asked me if I would sell him a winter supply. He had seen him before at Quebec and at La Malbaie. I knew both him and his brother Francois. I never knew of a person of the name of J. B. Ouellet, either elsewhere or at my establishment. My establishment is the first from "Les Isles de Mai," coming upwards towards La Malbaie. If a man passes in our direction it is very difficult to miss seeing him. It is almost impossible to leave Les Isles de Mai, to reach La Malbaie, without passing my establishment. The first inhabited stopping place on the north-east of Les Isles de Mai is Les Sept Isles, and to the south-west at my place. There is the Riviere St. Marguerite, between Les Isles de Mai and "Les Sept Isles," but this locality is not inhabited. I know "Les Isles de Mai." It is an uninhabited place, but a good harbour of refuge. There are 12 feet of water in the harbour to arrive at the place marked in black on the plan now shewn to me, and which is across "Les Isles de Mai." In order to pass through "Les Isles de Mai," in a schooner, it is necessary that the water or tide should be high. The black mark on the map of "Les Isles de Mai" may have been selected by the Indians for one of their settlements, as they generally select the most retired and secluded localities. The place marked in black on the map is not the usual place of going ashore. People generally select the east side. To reach the black point one must be very well acquainted with those places. I positively swear that I gave no money to Poitras for the work performed by him far me on my schooner.

Cross-Examined.

Alexis Parent had reached my place from the south shore when Poitras came to my house. I do not remember having seen Parent with us. I thought that Poitras' changed appearance was caused by fatigue and privation. The weather was not warm, and it blew a good breeze. I did not count the money Poitras had upon his person. He purchased at my establishment for a value of about four dollars or more. He bought a pair of women's boots (*combournes*); a jar of gin; I cannot say whether it was a gallon or less, and some calico. I generally sell at my place for cash only, and he gave me to understand that if I would give him a winter supply it would be for cash. He said: "I would just as soon give you money as take it to the south shore with me." I positively swear that these were his words. I sell for oil, codfish, money and other articles, in exchange for winter supplies. The west point of "Les Isles de Mai" is wooded,

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The main land is surrounded by woods on the islands. Out on the seaward side there is no wood. "Les Isles de Mai" are just as much frequented as other places on the south shore by those who understand the navigation and the localities. Those who frequent the north shore know this. The place where the body was found can be passed over with dry feet. I am positive in stating that Poitras reached my place in the morning; I cannot say how long it was before 1 o'clock, noon. The fall of 1867 was of the temperature of ordinary years a last season. In October, in the lower part of the river, we had warm days. The frosts of October do not always last till spring. The spring at "Les Caillies rouges" is a little later than at Malbaie. The difference is sometimes very small, say about fifteen days.

ARTHUR POITRAS—Examined.

FRIDAY JUNE 18th, 1869.

The court examined the witness on his "voire dire."—The Judge: "What is your age?" The witness: "I am twelve years old, Sir." The Judge: "Have you made your first Communion?" The witness: "No, Sir." The Judge: "Do you know the nature of an oath?" The witness: "I evidently understand that he was asked the nature of a false oath." It is the condemnation of the man; it is taking God's name in vain." The Judge: "What are the requirements of an oath?" The witness: "To tell the truth." The Judge: "How many Gods are there?" The witness: "There is but one God."—The Judge: "Where would you go if you did not tell the truth?" The witness: "I would go to hell and be damned." The Judge: "Would you be punished in this world and in the other?"—The witness: "Yes, Sir." The Judge: "Have you learned your Catechism?"—The witness: "Yes, Sir." The Judge: "Do you say your prayers?" The witness: "I say my prayers night and morning."—The Judge: "Is it a sin not to tell the truth when under oath?" The witness: "Yes, Sir." The Judge: "Who taught you these things?" The witness: "my mother."

The witness was then sworn.—

Examination in Chief.

I am the child of the prisoner, Poitras. I know him, it is he whom I now see there before me. One Ouellet came to our house. We live at "L'Anno a Jean," near "Anne des Monts." My Father spoke to Ouellet about a trip to the North; he tried to persuade him (*débaucher*) to go with him to "Ruiseau de l'Anno a Ouellet." He told him that there was a gold mine there and he wished him to go and take out gold with him. Ouellet refused to go. My Father spoke to him about going to the North Shore to take out a strong box and that he would give him half the money to be found in it. Ouellet said that it would delay him and that his barge was not my good. My Father said I will give (*"barrai"*) you mine. My Father and Ouellet left together for the North Shore. I saw a few of the effects that Ouellet had before he left for the North Shore. Ouellet had on a pair of black cloth corded trousers, a black cloth great coat, a black cloth cap, a vest, and a red and black cravat, made in a loom. He had on also a red and black checkered woolen shirt. I saw his box it was blue about two feet in length, the two ends were narrower than the side, the top and bottom were of the same width. I remember my Father's return from the North. Ouellet was not with him. My Father brought back the clothes that Ouellet had on him, and more too. I recollect Ouellet leaving a gun at our house. My Father took his own to the North with him, and brought it back on his return. He came back with one Wilbrod Tremblay. After Tremblay left my Father brought some stuff (*"butin"*) out of his own box. Ouellet had taken his box to the North. My Father did not bring it back. He then sent my brother for a tub and placed the effects which he had taken out of the box in the tub to soak. He placed the tub in the porch of the house. My Father said in placing the stuff in the box that it was to wash it. My Father said at the house that the clothes came from Ouellet. He left them two days to soak then changed the water and allowed them to soak another day, the third day which was Sunday he washed them, before doing so he said to my brother "should any one ask you where these things came from, say that they came from the Americans." He told my sister in my presence, while washing the clothes to place herself in the north-east window and to warn him if any one was coming. My little brother looked into the tub; my Father said, do not look into the tub, you must not touch these things. My Father brought back the following effects belonging to Ouellet: a sail and a jib, five great coats, two pairs of trousers, three caps, viz: one round cap, one south-west; one sheep skin cap, a powder horn, four paper collars, two satin, and one woolen cravat, Ouellet's razor, one axe, two cloth vests, one hair brush, one pair of drawers, two shirts, one pair of boots, one pair long boots, one pair of boots fine quality, one box blacking, one bowie knife, one piece of hawser with grapple, one fine comb, and one fine tooth comb.

My father said that he had received eight dollars in money that Ouellet gave

him to make a barge, which he was to make for him; that he had given him these effects in payment for the barge which he was to make; that Ouellet was to write him, and if my father did not make it, my father was to give him three barrels of cod fish in the fall. When Ouellet came to our house he only brought his box ashore. My father asked him if he had done a good summer's work. Ouellet replied that he had not; that he had earned nothing. He had taken some men down to fish below, and he had received one dollar per head. Ouellet never spoke before me of the amount of money he had. When my father returned he had money in his pocket-book. My father said that Ouellet had loaned him his pocket-book. My sister wrapped up Ouellet's fingers with cotton, and tied the rags with black thread later. Ouellet cut his wrist at the house with his knife, and my sister tied up his wrist with a strip of white handkerchief. My father said to my sister: "They are going to send you a subpoena from the Queen as a witness; you must play the fool. If they find that you are not foolish, they will put you under oath. Swear, but when it is for one's father, even a false oath is not a sin." (A prayer-book is here shewn to the child.) I saw this book at our house; my father brought it from the north, and said it was Ouellet's book.

Cross-Examined.

I know that my father is now undergoing his trial, charged with the murder of Ouellet. If he is found guilty he will be hanged or transported. I know that my evidence is against him, and may assist in hanging him. I am very fond of my father. I came up with my uncle, Peter Maloney, Leocadie Poitras, my sister, Joseph Maloney, Virginie Maloney, wife of Dosithée Gagnon, Marcel Leclerc, and the other witnesses, Joseph Dugas and Alexis Parent. I think there were eleven of us on board of the same barge. I felt sorry to come up and give evidence against my own father. I had to come because we were summoned. I received a subpoena before starting. I had no idea that I would be questioned as I was this morning. I did not object to coming.

Mr. Nelson.—Did any person call at your boarding-house last night?

Answer.—"Dr. Hamel came to our boarding-house last night."

Mr. Nelson.—Did Dr. Hamel speak at all? *Answer.*—"Yes, sir."

Mr. Nelson.—What did he say? *Answer.*—"He asked me if I was Poitras' little boy."

Mr. Nelson.—Was Dr. Hamel some time at your place? *Answer.*—"About a quarter of an hour."

Mr. Nelson.—Did he speak to your sister? *Answer.*—"No, sir, not to my knowledge." My uncle, Peter Maloney, lives in the same house with me; he told me to tell the truth. All those who have spoken to me on the subject told me to tell the truth. My uncle did not threaten me to induce me to come and give evidence against my father, but he told me always to tell the truth.

After I received My subpoena at Mr. Lamontagne's, my mother said to me, "my little boy, you must tell the truth otherwise you will be damned." To persuade (débaucher) a man is to try and take him to a place. The shirt that Ouellet wore when he left was red with black spots. When my father and Wilbrod Tremblay arrived it was about two hours before daybreak. They went to bed and afterwards breakfasted. Wilbrod Tremblay left and never came back. The box my father brought back from the North Shore was black. It belonged to my father. The box was locked. I know that it was so locked, because he unlocked it in my presence. When my father left for the North Shore he placed his provisions in his box. On his return I saw him take everything out of the box. I do not remember if there were provisions in the box. We were quite close to him. I saw those affects in the box and on the ground. There is only one room in our house. The box was in the middle. My father placed the tub in the porch, and it is by this entrance that everybody comes into the house. He placed nothing over the tub. The paper collars had not been used. I do not recollect whether Ouellet shaved or kept his beard on. I know, however, that he owned a razor. I do not remember whether Ouellet shaved at our house or not. I did not see Ouellet dress himself at our house. He was in the habit of rising at the same time as ourselves. The money I saw in the pocket-book was that which my father said was given to him by Ouellet to make a barge. My father can read, and has prayer-books. My father has no prayer-book like this one. He has the Gospel (L'Evangile) and a (Paroissien). The one now shewn me is a Mass-book (livre de Messe). My father's (Gospel) is black, and his (Paroissien) is red in colour. I know that these are their designations because when my father purchased them in Quebec he told me so on his return. I was then young, but I cannot recollect how long ago this was. He purchased them before Ouellet ever came to our house, about a year perhaps previous, perhaps more. I know that the book now produced is a Book of the Mass, because my father told me so.

Ouellet said that his barge was old, and that he was afraid of meeting heavy weather with it. My father said, "I will give you mine." From what Ouellet said, he did not appear to have much money. Ouellet stated that the

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money he had earned was by taking men below. Some Americans passed our place either before or after the trip. There were more than three. The Americans stopped at our place, and they left some clothes. I was not at home when they left. I cannot recollect if this was two years ago. After reflection, I remember if it was during that fall that the Americans came to our place. To the best of my knowledge, I think that there were five Americans in the party. I could not state positively that there were four, but I know there were more than three. I do not recollect how many arrived in the morning, and how many in the evening. I did not see them arrive. I did not see them at the house. I cannot say whether they slept at our house or not. I do not know if they left great coats, but I know that they left some effects behind them, in the shape of men's clothing. I saw these effects, but I cannot state what kind of effects they were. I cannot remember whether the Americans ate at our house or not. I cannot state if they were sailors or "navigateurs," and this was not established in my presence. I cannot remember the length of time they passed at our house.

When those of the morning arrived, we were fishing on the banks; those of the evening, I cannot recollect where I was. I can give no reason for thus forgetting. When on the banks, I cannot state at what distance we were from land. We could see the Americans arriving and we saw them. I cannot say whether the clothes of the Americans was washed or not. We wore the clothes of the Americans, I cannot state whether my brother wore the clothes of the Americans or not. They were men's clothes and I do not know who wore them. I cannot say if they were mended or not. I had no knowledge of it. Before my father was put in jail, we only went out to fish. Sometimes, we remained all day on the banks, at other times not long. My mother makes the clothes at our house. I have seen her working at clothes making. I do not know if she works during the evening. After tea time, I do not know what mother does. I have been here for some days. I cannot say if it was last week or this week. Since my arrival at La Mailbale, I have always remained at Leandre Laponte's house, from which house I only came out this morning to come to court. It was my uncle Peter Maloney who brought me to court. I do not remember if my uncle Peter Maloney prevented me from speaking to any other persons but the witnesses and those who lived with him. I received my subpoena at our house. I cannot say whether I went to Mr. Lamontagne's or not. I did not see Ouellet open his box at our house. I do not know what effects it contained. I do not know if Ouellet put his provisions in his bag. Ouellet took his meals at our table.

I don't know if Ouellet had or had not provisions when he left for the North. I do not know how long Ouellet remained at our house. He remained more than a day. I could not say whether he remained a week or more. I do not remember his passing a Sunday at our house, but I know that it was on a Sunday that my father washed the clothes. My sister and my little brother were at the house at the time, but my mother was not. All the others were there. My little brother died last summer. I do not know what his age was.

He was about 6 years old when my father came from the north shore. I do not know if he was 5 years old when he died. I have no knowledge of ages. Ouellet had only the box I speak of in which to place his effects, I saw nothing else which he had to serve the same purpose. When he was at our house, I saw no other effects belonging to Ouellet but those he had upon him. I cannot recollect if he was always in his shirt sleeves. I cannot say whether Ouellet had his great coat on at any time but the day of his starting. When he left, I do not know even if he had his coat on his back. I saw him in his shirt sleeves, I do not know how many times. I remarked the color of his shirt.

I saw only the pair of trousers that Ouellet had on when he was at our house. I have seen Ouellet's great-coat several times; I cannot say how many times, and it was always the same. I do not remember what description of trousers, great-coats and shirts the Americans had on when they were at our house. I do not know whether they spoke English. They did not speak to me, and I cannot say whether they spoke to any person belonging to the house. I do not recollect whether those who arrived in the evening slept at the house. The first house is distant from ours. I do not know whether it is more than an arpent distant from our house. There are no neighbors near our house; we cannot see the houses. The nearest neighbor is to the South-west. There are neighbors on both sides. We can see the sea from our house. I am unable to state the distance between the sea and our house. I cannot say how wide Ouellet's box was, but I know it was 2 feet long. I do not know how many inches there are in a foot.

By Mr. NELSON—Was there a locker (*équipette*) to the box?

WITNESS—I do not know. I do not know whether Ouellet's box was covered with oilcloth. I am not able to say whether it locked or not. I do

not know whether it had a keyhole. Ouellette had put his box in the *chauffau* (shed) near the house. The shed had no door. As many travellers stopped at our house as passed without stopping. I saw Dr. Hamel last night. I do not remember how he was dressed. I cannot state the color of his trousers or of his coat. He had on a hat which was nearly white. Except Ouellet, I cannot say how the travellers were dressed when they came to our house. I cannot tell, either, the color of my father's clothes. As to Ouellet, I observed him particularly; I remember well. When Ouellet came to our house, he came for the first time. When papa started to go North, I do not remember how he was dressed. I was at mass on Sunday last. It was at high mass at Malbaie. I do not remember the dimensions of my father's box. My father had the same box before Ouellet came to our house. My father's box was at the house; I have often seen it. I do not know whether papa and Ouellet went away in the morning, at noon or in the evening. I do not recollect how long the Americans stayed at our house. I do not know whether they stayed an hour. I do not know what an hour is. There are twenty-four hours in a day. I do not know whether the twenty-four hours make up the day without the night. I do not know whether the Americans stayed three days at our house. Papa took away the box to the North; I saw it put on board. I cannot state positively, but I think it was put on board by two persons. Papa put his provisions in his box. I do not remember whether there was anything else in the box. I cannot say what sort of provisions there were in his box. I did not see the provisions put in, but my father said to Ouellet: "I have put the provisions in my box." I cannot state exactly how long my father was at the North. He was there more than two days. I cannot tell the day of his return, or whether the weather was fine or bad on that day. I did not take notice where my father put his clothes at the house, and I do not recollect about it. I do not know how many great-coats my father had when he was arrested. I cannot say how many hats he had belonging to him. I cannot say what trousseurs my father habitually wore before his arrest. My father was sometimes in his shirt. I cannot say whether he went more often in his shirt than in a great-coat. I do not recollect what sort of great-coat my father usually wore. I cannot say whether the Americans were young or old. Ouellet left his boat at our place, together with a sail. He put a sail and a jib on papa's boat, and papa brought them back to our place. Papa's boat had its own sails, but they added those belonging to Ouellet, so as to put on more sails. My father has a horn to hold powder; he carried it with him to the North, and brought it back, together with that belonging to Ouellet. My father told me that it was Ouellet's horn.

Re-examined:

The articles which the Americans left at our house and those which my father said belonged to Ouellet are not the same.

18TH JUNE, 1869.

ALEXANDRE *alias* AGAPIT GAGNON.—I know Poitras; I am not a relation of his. In the month of June, 1867, I went with Germain Gagnon to the Isles de Mai. I was returning from hunting with him, and towards evening we anchored. We had a flat for camping. We used this flat to get from our boat to the land. On reaching the land, my companion said to me: "You get the wood ready and I will get fir branches." He approached the branches, and as he went on he trampled (trod) upon a person. Gases issued from the body and caused a sound something like a cry. My companion said to me: "Hollo, here is a ground-hog (*siffleux*), I have trodden upon it (him)." I then went to him. I looked at it and said to Germain: "This is not a ground-hog, there is a body buried here." "No," replied he, "there has been no one buried here." I then said to him: "By the length of the earth which has been disturbed, you can plainly see that it is a person. Germain then stooped and scraped in the earth. He drew out a hand. There were cloths around the fingers and around the wrist. These cloths were like those shown to me. He wished to disinter the body; I was unwilling to do so, fearing that death might have resulted from some contagious disease, as I remarked to Germain. He replaced the earth and next day we went back to look at it. Germain took a paddle and removed the sand. He uncovered an arm and said to me: "Come and see." I saw the arm of a man; I could see that by the size. Germain wished to uncover it further, but I objected. I could see the skin of a part of the side. The skin was red. The body did not appear to be decayed, but it emitted a slight smell.

I saw that there was a shirt upon the body. It had gone up under the arms. The shirt was a woolen one, checked red and black, like that which is shewn me. I saw no clothing except this shirt on the body. The bury-

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ing had been very badly done; there was no indication of burial; there was no head-board or cross. The body had a piece of bark over the face. I only saw the piece of bark imperfectly; it was covered with a little sand. The body was covered with from an inch to an inch and a half of sand.

In the evening we at first thought that it was a young girl. My companion said to me "the Indians have been masters here, it is perhaps a girl."

Next day we saw that it was a man. The burial appeared to me to have been done in a hurried manner, because there was but little sand over it, and because it was canted (turned) upon the right side. The place where the body was found is very secluded. The "Isles de Mai" are three leagues from the "Cailles Rouges;" the houses are further off in the other direction. I returned to the "Isles de Mai" subsequently. I pointed out to Dr. Hamel where the body was. We found it in the same place. We took it up and took it to Cailles Rouges. Mr. Alfred Hamel, Germain Gagnon, Joseph Maloney, Joseph Dugas, Francois Poitras, and myself, accompanied Dr. Hamel. The body had a cloth on the arm and two cloths on the fingers. I did not see the flannel undershirt.

I live at Matane, and do not know the North Shore much.

Cross-Examined.

The first time I was at the Isles de Mai with Germain Gagnon was on the eve of St. Peter's day. I did not see Germain trample on the corpse, but I heard the noise which issued from the corpse. One of the cloths was at the wrist. The head of the corpse was towards the wood in an alder bush, about a couple of feet from the edge of the wood. The feet were towards the water. A person dragging a corpse by the feet would cruse the shirt on the body to go up.

The corpse was from 20 to 25 feet from our camping ground. The cloths had gum upon them, but more than they have now; they have been washed. Now there is only one that has gum upon it. These cloths have no particular mark upon them. There were none when I saw them for the first time. The corpse was half over on the right side. We drew up the left arm.

Next morning we uncovered from the shoulder to the left hip. We saw a part of the side and of the chest. The arm was stiff; the flesh seemed to be firm; the skin did not rub off; the skin that I saw was red. It is known that when it begins to heat, (decay) the skin becomes more red.

At the time, on arriving in the evening, I thought it was a drowned person. I saw the hip; it was ruddy. I mean red; it was not greenish.

Re-Examined.

The part of the body that I saw was principally below the breast. I saw the skin of the belly; that is to say, of the side of the belly. I did not see the middle of the belly.

VIRGINIE MALONEY.—I know the accused. I am the wife of Dosithé Gagnon. I am a niece of Poitras by marriage. In 1867 Ouellet came to our house at the Rivière à la Martre. I saw him from the 10th to the 14th or 15th at our house and at Peter Maloney's. On starting Ouellet said that he was going to River Ouelle; that was all that he told me.

Ouellet wore trowsers of corded cloth, worn, and of a bluish color: it was necessary to look closely to see if the cloth was corded. The color was a deep blue, nearly black. Ouellet had a flannel shirt checked red and black, with a patch at the elbow of different stuff. He had another shirt nearly the same. He changed his shirt at our house. Ouellet had half boots of black leather; the tops of these boots were of red leather.

Poitras came to our house three or four days after his arrival from the north. He was wearing a shirt belonging to Ouellet; a cravat, boots and trowsers like those belonging to Ouellet. There was something peculiar about Poitras' face. I observed to my husband that Poitras had murderer stamped on his face. I said to my husband: "Poitras has killed, or intends to kill somebody."

The trowsers that Poitras then wore were short enough to stop at the boot leg. Poitras told me that day that he had left Ouellet at the north (shore) without saying at what place. Poitras told me further that he had worked on Mr. Riverin's schooner at Cailles Rouges. I think that he told me that he had been well paid. He did not tell me what sum he had received from Mr. Riverin.

Poitras informed me that he had set out to go and see his brother at River St. Marguerite, but that he had been obliged to turn back by contrary winds. The articles that I saw upon Ouellet before his departure, Ouellet had been in the habit of wearing at our house.

Cross-examined.

When Ouellet came to our house, I saw him for the first time. I live about two leagues or two leagues and a half from Poitras. I did not see him

arrive. Ouellet left our place on the 14th September and Poitras came to our place about the 4th or 5th of October; I cannot say exactly.

I did not see the clothes that Ouellet had in his box. Ouellet slept at our house. He undressed himself and I saw his shirt. Ouellet's trowsers were worn; they were not whitened by wearing. They were blue as I said just now. I did not see Ouellet have any other trowsers than those. I did not see his box. It may be that there are in the world shirts like those belonging to Ouellet, but I recognized that which Poitras had on as Ouellet's. I think that the sleeves and the *fall* (front) of the shirt were too short for Poitras. I think that the wrists were buttoned, because that is the usual way. I think that flannel shrinks. It might happen that a flannel shirt would shrink in washing. I remember no other remarks than those I have mentioned just now as to Ouellet's shirts. My husband's shirts shrink in washing.

I also saw that Ouellet had an oil cloth coat, a sou-wester. Apart from these articles and those I have already mentioned, I do not remember having seen any other property in Ouellet's possession. His baggage (*butin*) was in his boat and he did not bring it ashore. I noted the date of the 10 September by the marriage of one of our neighbors, —Zoe Lavoie. She married Louis St. Onge on the 10th September. I do not remember the day; it was the only marriage which took place about that time in our neighborhood. We sometimes remark at our place the date of the marriages that take place. I do not remark the marriages of all, but I remarked that one. I took no written note of the date. Ouellet was not a relation of mine. The marriage preceding that of St. Onge in our parts, was mine, two years previously. That was on the 10th November. There was no other marriage between mine and St. Onge's.

Poitras, upon his arrival, had something in his look which I did not usually see. I saw nothing in his look if it were not that he had murder in his face. I cannot say what change there was in his look. I cannot give you an idea of it. When a person has murder in his face, it gives rise to something remarkable. I cannot say what there was in his eyes that struck me so much; except that, Poitras showed his usual expression.

SATURDAY, 19th June, 1869.

LEOCADIE POITRAS.—I am the daughter of Eugène Poitras. Two years ago I lived at Anse à Jean. Ouellet came to our house in the month of September, I cannot state the year. Papa asked him if he would go with him to the "Ruisseau au Castor," for a mine. Ouellet refused, saying that two men were not able to get a mine. Papa spoke of a gold mine. Upon his refusal papa asked him to go to the north (shore) with him to raise a strong-box. Ouellet was reluctant to go, but by dint of talking to him, my father succeeded in getting him to make up his mind. My father said that this strong-box he had already been upon, and that the strong-box shook. Ouellet objected that this would delay him, and that his boat was not a good one; my father said that he would give him his. My father said that he would divide the money by halves. *They set out; they went four leagues in the boat and they turned back. They were three days at our house, and they set out in the morning before day.* They did not return that time. I did not take notice what articles Ouellet had with him at the time of his departure with my father. Ouellet had the rigging of his boat; he had a gun which he left at the house. He had five great coats, three head dresses, two pairs of trowsers, one pair of drawers. I saw them before his departure; three pairs of boots, two pairs of socks. He had left one pair of boots at the house; four paper collars, a pocket handkerchief of fine linen, a blanket, &c. When he went away he wore a great coat of grey cloth, a flannel shirt checked red and black, a pair of trowsers almost reddish, apparently corded, red and black, shewing two faces. The great coats, two black and one grey, were of cloth, the two others were oil-cloth coats. I remember when my father came back from the north (shore) Ouellet was not with him. Papa came back from the north (shore) with a young man. He did not shew the articles until the young man had gone. After the young man's departure, my father took a little clothing from out of his box. He went and got a tub, and the clothes Ouellet had when he started, he put them into the tub. He took Ouellet's blanket and spread it over the clothes in the tub. He went to fetch water which he put into the tub, and he put the tub into our porch. One of my little brothers went to look into the tub; my father said to him: "My little one, don't look at that." During this time my father said nothing to me. He let the clothes soak in the tub two days, and then he changed the water. He allowed them to soak for another day, and the next day, which was Sunday, in the morning he washed them. I wanted to wash the clothes; my father would not have me do so. I was near him at the north window. He told me to go to the north-east window, and if I saw any one coming to

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notify him. It is too fatiguing for you to wash these clothes, said my father to me. My father told me, if any one asked me where these clothes came from, to say they came from the Americans.

The articles that I stated that Ouellet had at the time of his departure, my father brought back. My father brought back, besides, six yards of print and a pair of boots for me. I forgot to speak of the book. I saw it before his departure; my father brought it back. My father had a knife. Ouellet also had a case-knife, which he ground before starting, and which my father brought back. My father brought back a razor, a strap, a horn to hold powder, which belonged to Ouellet, and which I had seen in his possession before his departure; a box of caps, a box of blacking for shoes. He may also have brought back something more; I do not recollect. My father told me these were Ouellet's things. My father said he had four notes of 10s, and also some quarter dollars. He had that in J. Bte. Ouellet's pocket-book. My father said that the pocket-book and the money came from Ouellet; that he had given that to buy the nails for a boat. Ouellet carried away his box with him; my father did not bring it back. Ouellet did not talk with my father about the money that he had, before his departure. Ouellet had cut himself with his knife on the wrist and on two fingers. The cloth on the wrist and the cloth on the fingers are the same; if they are not, they are like them. (Shewn the cloths produced).

The last time my father came to our house, he said to me that I was going to have a subpoena from the Queen; that if I did have one, I should do well not to chatter (*jaaser*); that if I played the fool—that if I swore falsely, that that was no sin for my father.

I examined the book; it is the book I saw in Ouellet's possession. I recognize it by the pencil writing which there is in it, by the picture that is in it, and by the cover of the book. I was young; I did not observe much but I remember that of which I have spoken.

Cross-Examined.

My father is at the bar. I knew that my father was there in Court, because my brother said so. He is accused of having killed Jean Baptiste Ouellet. In my opinion the evidence which I have given this morning is adverse to him. He will be exiled or hanged. Nobody spoke to me as to the evidence which I had to give; my relations told me to tell the truth. I saw Dr. Hamel at my boarding-house here. I love my father much. I cannot say at all how many days I have been at Malbaie. I have not asked nor endeavored to see my father, because I knew that I should not obtain permission to see him. I spoke about some words of my evidence to my mother only, not to others; so that it was in that way that it became known that I had evidence to give. My mother and my father were separated three years and a half, because they did not agree. I never told my uncle Peter Maloney what I had to say. I was very reluctant to come up, but I made no objection. I cried then, and this morning also, before starting. It was in September that Ouellet came to our house. I say so, because it was the harvest month. I cannot say whether it was at the beginning or at the end of September. I do not know how many days Ouellet stayed at our house the first time before his departure. He stayed three days after having been out to sea; they set out on Thursday morning; they returned and set out again on Saturday. I cannot say at what hour on the afternoon of Thursday; they returned a little before night. They set out again on the Saturday morning, before day. It was on that occasion, Saturday, that I observed Ouellet's clothes; I was then up. When Ouellet came back to our house he had on the same clothes that he was wearing when he left; he did not change. Ouellet's box was under key in the shed; his things were damp. He took them out and hung them up to dry; that is to say, his wearing apparel. I was with him when he took it out; his book and his razor were in the locker of his box. I only know how to read a little. I did not read the name of the book; I did not know how to read then. I saw the book in the house; Ouellet had taken it into the house. I cannot tell the name of the picture; it represents the Holy Virgin; there are two persons. I did not remark whether they were sitting down or standing up. After my father brought it back I examined it; I saw that it was the same book—the same picture.

Some Americans came to our house about two months before Ouellet came; in July there were five. They left an old shirt, an old pair of trowers and an old frock. My father's box was black. Ouellet's blanket was about half new. The Americans changed their clothes at our house, but they only left what I have just mentioned. The went into the loft to change their clothes. It was the Americans who gave the articles. They spoke English; one only spoke a little French. The Americans had some articles in bags which I did not see. These Americans might have said to my father that they left other articles, in English, which I should not have understood. The

articles which my father put to soak, he took out of his box near the north window in the house. He took out a pair of boots and six yards of print; those were new. He took out two great-coats of black cloth, the book, the horn, the razor, an old pair of black trousers, a shirt that Ouellet had in his box, of the same color as that which Ouellet had on, with two patches on the elbows, a dish and a plate, woollen socks rolled up as socks are folded; these socks were white; I swear positively that they were Ouellet's socks, because I saw him with them; a box of caps, a box of blacking, Ouellet's knife. There may have been something else but I do not recollect anything. The box of caps belonged to Ouellet; it was an ordinary box and half full. It had a picture on the top, with a little piece torn off. My father said that he had it from Ouellet—that he had bought it from him. I am certain about the knife, it had two rivets at the end in the handle and one in the middle. The shirt had patches of different stuff; it may have had other marks. Ouellet had had it dried at our house before starting. Nearly all case-knives have similar rivets in the handle. The great-coat had a grey lining which was torn. Of the great-coats, one had a barred lining, unstitched at the sleeve; the other had no lining. They were ordinary great-coat linings. The right sleeve of one was unstitched at the shoulder. There might have been other things, but I did not take notice. The trousers had a tear on the right side. Ouellet had cut himself on the wrist of his right arm. I wrapped it up for him with a cloth and some gum; it is usual to wrap up in that way. The cloths were white, whiter than those produced, because they are dirty. The color is not quite the same, but these are the same cloths. There may be others like them. Other persons may have similar great-coats and I have seen such. Ouellet did not shave at our house, he wore his beard all round. My father shaved. It was for the first time that I saw Ouellet. I was not able to remark the clothes of the Americans when they came to our house nor when they left. I do not remember the clothes that I wore on the day when my father and Ouellet went away, nor those that my father had on. Ouellet and my father appeared to be good friends.

Ouellet did not say before me that his summer had been a successful one. I had no work that kept me out of doors long. Many travellers stop at our house. Vallée, the postillion has slept at our house with a large sum. He gave it to my father to take care of. He did not complain that any of it was missing. All travellers are well received at our house and they all appeared well satisfied. I did not observe the clothing of any of these persons. Ouellet's hair was red his beard nearly the same color as his hair.

I have often heard the color of Ouellet's hair and beard mentioned. I know nothing as to the garments, I do not recollect about them. I do not remember that at Lapointe's the garments were spoken of.

My father arrived from the north shore in the morning before day with young Tremblay. They lay down on arriving. Tremblay took breakfast and went away.

My father's box was locked when he arrived; I looked to see; I have on previous occasions looked at my father's box to see if it was locked; sometimes it was and at other times it was not. My father himself went to fetch the tub to put in the clothes to soak behind the door of the porch where every body passed in entering the house. My father put the clothes to dry in a building near the house; the door of that building remained open. My little brother who wanted to look into the tub was five years old. I have no other sisters. Papa may have taken other things out of the box; I do not remember. I do not remember how long my father was absent upon the voyage to the north shore, nor whether he was gone a week, or more, or less.

My father puts his powder in a horn; he had taken his horn to the north shore. Ouellet passed a Sunday at our house. The end of the day was approaching when my father and Ouellet went away; it was beginning to be dark. The boat was lying about an acre from the house. They told me that I should be cross-examined in order to try and make me contradict myself. I do not remember when they said that. I have seen people; persons belonging to the place, they have not talked before me about the business. Since I have been here I have only been out once to take a walk along the road with my cousin, Virginie Maloney. My subpoena was for the 14th. I did not come on Monday; my uncle Peter Maloney told me that the Queen's counsel had told him that it was not necessary to come on the 14th; I took my uncle's word. It was not said before me, either by my mother or by any person speaking to my mother, that it would be better that the accused should not return. Peter Maloney did not say before me, nor to my knowledge to David Desbiens that Poitras must be hanged, nor did I hear it said by any of the witnesses that they hoped that Poitras would not come back. The shirt that Ouellet had on when he started my father did not bring back; the one he brought back was like it. No person was near my father when he put the clothes to soak in the tub. My father said before us

that Ouellet's father was the owner of the box, had on, none left.

I do not know what the article was, but I keep close to my father's story that there was a pair of socks, two socks, two to dry. It was it to us. They were the collar from the I counted, counted dresses. how many counting brothers, brother having many things (those) were

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that Ouellet had given him these things as an advance on a boat that my father was to build for him. I did not see the things when my father took them out of his box. The articles that I saw taken out of the box emptied the box. My father brought from the north shore only the clothes which he had on, he had put his provisions in his box, when he came back there were none left.

I did not look into the box. I saw the provisions put into it. *I went with them as far as the boat; it was still dusk the last time they started.* I knew what stuff there was in the house; it was impossible for him to put any article belonging to himself into the box without my knowledge. I did not keep close by the box all the time, but I was not very far from it. After my father was gone I washed all the clothing that remained, and it was all that there was, including what my father had with him. I washed a shirt, a pair of trousers, a great coat and a pair of socks. My father had two pairs of socks on his feet and a pair of socks at the house. He had three pair of socks, two shirts, two pair of trousers. Ouellet did not put the paper collars to dry. He did not take out everything that was in his box, but he shewed it to us. My little brother had the articles in his hand and I looked at them, they were body garments which were at the bottom of the box. I counted the collars, there were four of them. I counted them when my father came from the north (shore). I counted to see how many there were; sometimes I count, sometimes not. They were paper collars like other collars. I counted the number of great coats, shirts and trousers and boots and head-dresses. I did not take a note or cause any note to be taken; I do not know how many head-dresses or how many shoes I had then. I had no interest in counting Ouellet's things. I cannot say how many pairs of shoes my little brothers then had. They had, each of them, a head-dress. I do not remember having counted the clothes of the Americans, nor taking notice how many they had. I was in bed when my father returned from the north (shore) with Tremblay. The door was barred; they woke me up.

FRANCOIS MARQUIS.—No relation of Eugene Poitras or of Ouellet's. I live at Sept Isles which are ten leagues from the Isles de Mai. The Isles de Mai and the Sept Isles are in the District of Saguenay in the Province of Quebec. The first inhabited house below the Isles de Mai is at Sept Isles. I am a clerk there, and have been so since twelve months before the month of May, 1868. This spring, in June, I had been living there for about seven years. Moisie is nineteen miles below Sept Isles. I have occasion to go to Moisie every year. I do not know all, but some of the people at Moisie. I never heard the person named Jean Baptiste Ouellet spoken of on the north shore, or at Sept Isles or at Moisie. I have no knowledge since I have been at Sept Isles of J. B. Ouellet's having come there. To get provisions one must go to Sept Isles below or to the Cailles Rouges above, setting out from the Isles de Mai.

Cross-Examined.

In the course of a year persons may come whom I do not know, and with whose names I am not acquainted.

WILBROD TREMBLAY.—I know the prisoner Eugene Poitras. I see him at the bar. In the beginning of October, 1867, about the 1st or 2nd of October, I crossed from Cailles Rouges to the South Shore with him, Poitras, from Messrs. Riverin and Bigeole's. In crossing, the accused told me that he had taken a man across from the south to the north shore; that he had left him at Grosses Roches, a little above River St. Marguerite. He shewed me the things which the man he had taken across had given to him, viz.:—A pair of English boots, a blanket and a pair of mittens. I also saw that he had on board the boat a box; he opened this box before me; the box was full of things. In the upper part of the box there were a powder horn and a shot bag. I saw one end of the gun. Poitras said nothing to me except only as to the boots, the blanket and the mittens. He told me that the man whom he had taken over had left his boat at his house at Anse à Jean with the sails. He told me that he had left only the jib, and that the jib that he had on his boat belongs to the man whom he had taken over. In crossing I proposed to buy the mittens; he answered me that if they were too small for his boy, that he would sell them to me. We started from Cailles Rouges about three or four o'clock in the morning. We arrived at Anse à Jean a couple of hours before day. I breakfasted and set out afterwards.

Cross-Examined.

I saw only one powder-horn in the upper part of the box. There was nothing scraped, nor was there any stain on the boat, which was a new one and not painted on the inside. I did not observe anything broken or injured;

there may have been something broken, but I did not observe it. Poitras told me all these things without my questioning him. I do not know Poitras sufficiently well to say that there was anything extraordinary about him. I cannot say whether he was changed. Poitras does not pass for a fool, and to my mind he is not so.

JEAN BAPTISTE DUGAS.—I know the accused, Poitras. I see him at the bar; I am distantly related to his wife. Poitras came down from Malbaie last fall; arrived at my house at Ste des Monts, he desired me to take him to River St. Anne. On the way I asked him,—"Poitras, tell me now how it is that Ouellet disappeared, and that we have not heard speak of him either through the fishermen or through the Indians?" Poitras replied "my friend that is done on purpose; I put Ouellet on board a boat which was going to Moisie." I said to him "you can always find those people speaking of the people of the boat." He replied: They are drowned and probably Ouellet with them. Blanchard and Potvin were the people of the boat which took Ouellet. Upon my questioning who these people of the boat were, I said to Poitras: "the people of St. Anne tell me that you brought back all Ouellet's things from the north shore." "No, only his gun which he gave me." I asked him; "Tell me whether Ouellet had much money?" "Ouellet had about thirty or forty dollars and he gave me eight for the voyage; he only had some thirty dollars left; I never thought of killing a man for thirty dollars." Mr. Lamontagne says he found a letter on his counter; Mr. Lamontagne says that he will certify that it is in your writing. Poitras said to me: "Baptiste, I have a soul to be saved as well as you; by the part that I hope for in Paradise I never put the letter on Mr. Lamontagne's counter." I asked him: what do they say of you at Malbaie? "Frenette the Advocate says I shall not be exiled or hanged." I asked Poitras: are you clear of everything? Poitras said no, I think that I am not clear yet, if that trial comes up, there will be a quantity of witnesses.

Cross-examined.

Poitras is a man of good sense and knows how to read and write a little. It was after having been arrested a first time and before he was arrested for the second time that Poitras told me what I have just stated. Poitras was going home. From the River St. Anne to Poitras' the distance is two leagues and a half.

The words which I have repeated are the same words that Poitras used. Not others. I know neither how to read nor how to write. I did not take a note of those words. I kept them in my memory. I know that the words are the same.

JEAN CHRYSOSTOME OUELLET.—I am the father of Jean Baptiste Ouellet, whom Poitras is accused of having assassinated. My son left our house two years ago this spring; I never saw him since. I endeavored to obtain news of him during the winter following his departure. The last news that I received of him was that he had set out with a man named Poitras for the north shore. He had a reddish beard. His hair was a little more brown. (Those produced are very like them.) He had blue eyes and a fair complexion. The lower jaw was shorter than the upper. When he went away he had a pair of trousers of corded cloth and another pair of black cloth; a pair of trousers of grey cloth and a pair of oilcloth trousers. Five great coats; two of pressed black cloth; one of grey cloth; a black oilcloth over coat more worn, and another oilcloth over coat; three head-dresses. A sheepskin cap, a cloth cap with a large peak and buttons, and a south-west (an ordinary south-wester), four woolen shirts bought from the shop-keepers. These two checked red and black; the others were checked but of different colors; vests of black cloth; three pairs of boots; a pair of thin boots; a pair with double soles and flaps at the knees; a pair of long boots; a pot, an axe, and a gun; socks, mittens, a red flannel under shirt bought from the shop-keepers and one of the country flannel. My son was twenty-six years old when he started. He was about five feet seven inches high. He was of average build but not very stout; his forehead was rather high.

Cross-examined.

The articles which I have mentioned were the only articles that he had. It may be that he had others. The lower teeth were deeper set than the upper teeth, because his lower jaw was shorter than the upper jaw.

Dr. ZÉPHIRIN BONDEAULT, physician.*

I am a physician.

Question.—Supposing that a corpse were put into the ground about the

* This evidence should come after that of Dr. Jos. A. Hamel, and is the last adduced on behalf of the Crown.

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end of September, and discovered at the end of the month of June following in the condition described by the Gagnons, of a red color with gas and smell, I ask whether in twenty-two days it would have been decomposed?

Answer; Yes. I have heard the evidence of Dr. Hamel here this morning, and I agree with him in all respects with regard to that part of his evidence.

Cross-examined.

In a warm place putrefaction is much more rapid than in a cold climate, and the smell of the corpse depends upon the degree of putrefaction. If a corpse is buried in the sand in a close place it may exhale the smell of a dead body in four days, in a place exposed to the rays of the sun and when only covered with a thin layer of sand. The word ruddy (*vermeille*) in the sense in which the inhabitants of the country use it, means healthy. A corpse cannot be ruddy. If a country person said to me that he had met a ruddy corpse, I should say that he did not know what he was saying. If a country person said to me that I have found a ruddy corpse, *I have found a ruddy corpse*, I could not tell what he meant by it. I could understand the question well. I cannot answer it. Ruddy is when a person is of a fresh complexion, and in good health. I do not understand ruddy as applied to a corpse and I have never heard it used in that sense; I cannot answer that. Let us suppose a corpse buried at the end of September, the decomposition of which has begun (and gone on) from September till the middle of November, and that the sun shines hot for seven or eight days; after a week's sun putrefaction would be far advanced; even at the end of four days, if the sun had struck fairly down and the corpse was thoroughly thawed, putrefaction would be considerably far advanced, especially if decomposition went on for seven or eight days. Decomposition generally commences at the abdomen. In the parts adjacent to the abdomen only a red tint is seen but blackish spots extend over the whole abdominal region.

When the sand has been moved in the autumn all traces of the moving do not disappear. In some parts in compact sand, the tracks of vehicles made in the fall are still visible in the spring. In a place which the sea does not cover and where the sand is unstable, no trace remains. At Baie St. Paul, vehicles follow about the same tracks.

Doctor Joseph Alexander Hamel.

MONDAY JUNE 21, 1869.

In the month of August 1868, I accompanied Dr. Boudreau, Coroner of the district of Saguenay to assist him, in my capacity of physician at an inquest, which inquest was to be held upon the body of a person supposed to be Jean Baptiste Ouellet, at the Isles de Mai. According to the information the coroner had received, the corpse was to be found in the Isles de Mai or at the Isles de Mai. These Islands are in the district of Saguenay, in the Province of Quebec, on the north shore of the St. Lawrence, at about 60 leagues from Malbaie. Arrived at the Cailles Rouges, the Coroner then stopped, and gave me an order in writing (which I produce) for the examination of the body which was at the Isles de Mai and its removal to the Cailles Rouges where the inquest was to be held. Accordingly I went to the Isles de Mai on the 31st August, accompanied by Germain Gagnon; Alexander, alias Agapit Gagnon; Joseph Dugas; Joseph Maloney; Marcel Leclerc; Francois Poitras; and my brother Alfred Hamel, all witnesses who have been examined. I observed before landing, that the water around these islands was very clear, so that one could distinguish pebbles and shell-fish at the depth of 15 or 20 feet. On landing I asked Germain Gagnon and Alexander Gagnon to conduct me to the place where the corpse was. They conducted me, (we were at the western extremity of the Isles de Mai) to a place where we found a wooden cross painted black which Germain Gagnon told me had been placed there by commander Tetu, at the time of his inquest. I observed then that the place where the corpse was, was at the border of the wood; at 86 feet above the highest flood tide. I caused an excavation to be made to the depth of a foot and a half and we found an oblong box in a sandy soil. I made an examination for twenty feet around the place where the box was, and remarked that the soil was very hard, stony, and contained very little earth. I had then a stick; I tried to stir the soil, and I am convinced that to dig a grave beyond the borders of the wood, would have required considerable time with a pickaxe or mattock. I am not even certain that it could be done with those implements. I afterwards caused the box to be placed on a boat on board of which I embarked myself, and accompanied the corpse which the box contained to Cailles Rouges, and gave it into possession of the Coroner there, who caused it to be deposited in a hangard be-

longing to Mr. Riverin. I do not know myself if the *hangard* was locked up at night, but at the time of the inquest on the following morning, I know that Dr. Boudreau asked for the keys to open it.

I assisted at the inquest as a medical man. I examined first the box; it was of rough wood; not planed; it measured 5½ feet in length, about one foot in width, and nine inches in height. On opening the box, I found the remains of a corpse, nearly reduced to the state of a skeleton. I found a garment which I recognized as an undershirt made of country made flannel, all saturated with liquids from the body. It was old, full of holes, and torn in several places. I found a pair of worsted stockings pieced with home-spun cloth—I found the two ends of a cravat of knitted worsted. I caused the flannel under shirt to be washed by Francois Poitras in my presence; and I was convinced that its original color had been white. In the last place I found two small cloths, and a band of cotton one foot in length, by about two inches wide. I had these cloths washed, and kept them in my own possession, until the first day of the Court, when I delivered them, together with the hair and beard which I also found in the box, to the Clerk of the Court. The small cloths appeared to me well adapted to the dressing of wounds on the fingers; and the largest piece, the band, to the dressing of the arm, the forearm, or the hand. The hair was chestnut, and the beard of a light reddish color. I examined the bones of the skeleton; there still remained some shreds of flesh on some of these bones, which were pell-mell on the box. The general appearance of the bones showed that they belonged to an adult; after having minutely examined these bones, I could not discover on them any traces of violence. I found however that there were three teeth missing in the lower jaw, the first left incisor, and the first and second right incisors, which formed a gap in the front portion of the lower jaw. The other teeth were all very sound; with the exception of these three teeth, there was only one molar extracted, the socket of which was obliterated, whereas the sockets of the three teeth of which I have spoken were not closed, which proves a recent extraction of these three teeth, a short time either before or after death by some violence. Taking into consideration the sound state of the other teeth, I cannot believe, as a physician, ~~that they could have required extraction~~ from decay. The incisors decay much more slowly than the molars, and it is not probable that three teeth should have been extracted for decay, a short time before death, whilst the other teeth were perfectly sound.

I proceeded to the identification of the corpse; I placed the bones as they would be placed in the lifetime of the person, or immediately after death, each one in its place. The skeleton thus formed measured 5 feet and 2 inches, so that making the necessary allowances, the person during life would have measured 5 feet 3 or 4 inches. The appearance of the bones was that generally presented by those of an adult. The sutures of the bones of the skull were ossified. The sutures of the bones of the skull were distinctly visible, but nevertheless sufficiently ossified not to allow of their separation. The processes and prominences of the bones, without being strongly marked, were more so than they generally are in the female; the bones had not that round and polished form, which belongs to the female sex. The pelvis, (lower part) was as regards its lateral diameter more narrow than in the female and larger in its vertical diameter. The bones of the pelvis were thicker and stronger; the ilia less opened out than in the female; the trochanters more separated; the iliac fossæ less extensive—(a part of the pelvis within the hips). Finally the appearance of the pelvis was of that of the male sex.

I remarked that the lower jaw was shorter than the upper by about half an inch. The angle is more near a right angle than is usual. The indentations of the molars corresponded and those of the incisors and canines did not correspond, by reason of the anomaly of which I have just spoken (about half an inch shorter). From these facts I conclude:

1o. That the skeleton which I examined measured in life 5 feet 3 or 4 inches in a naked state; with his clothes, with boots, he might have appeared to measure 5 feet 4 or 5 inches.

2o. That the frame of the individual during life must have been slender and little developed.

3o. That he might have been from 20 to 25 years of age.

4o. That he was of the male sex.

5o. That the peculiarity of the jaw must have given an uncommon expression to the face of the individual during life, and that it was easy of remark (namely the shortened state of the lower jaw); that the hair of the person must have been of a chestnut color; that he must have had a light reddish beard, and consequently a fair complexion, with blue or grey eyes.

That according to the description which has been given before this Court, of the person of Jean Baptiste Ouellet, particularly by the father of the deceased

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and by the children of the accused; these last mentioning wounds on the hands and the wrist, and the dressing of the wounds with the cotton cloth. I am of opinion that the skeleton submitted to me for examination is that of Jean Baptiste Ouellet.

I have heard the evidence which testified to the discovery and interment of the corpse and all which concerns the place where the corpse was buried, and the time that it remained in the earth. A corpse recently deceased which has not had time to be decomposed before it is placed in the sand, at the end of September, after the great heats of summer and particularly at the Isle de Mai, on the sea-shore, where the temperature begins to fall, could not be much decomposed. Putrefaction does not begin much, nevertheless a commencement of the process of decomposition must be made until the middle of November. Then the winter season beginning in those parts, decomposition or putrefaction is arrested to begin again only in the spring.

According to the testimony of Germain Gagnon the snow disappeared 3 or 4 days before his discovery; therefore the corpse could not have become decomposed from the beginning of winter until the date of his discovery. The two witnesses Gagnon have ascribed a red color to the skin; they heard a kind of groaning arising from gas. Agapit Gagnon remarked a strong corpse-like smell. The red color is not the color of the skin, it is caused by the epidermis of the first layer of the skin which disappears very rapidly by putrefaction; it falls into dust, and on its disappearance; the second skin appears red at first, and afterwards violet. This sign, added to the groanings and to the corpse-like smell proves that putrefaction was proceeding, particularly in the inward parts. It now remains for me to say, whether a corpse in a state such as I have just described could lose the greater part of its soft parts in 22 days. I first remark that by the evidence of Germain Gagnon his first visit took place towards the end of June; that the twenty-two days which followed this visit were in the month of July, the hottest month of the year, that the corpse was only lightly covered with sand; that it was on the skirts of the wood, and in a place exposed to the sun; that foxes and muskrats existed in the place; that these animals, that these animals may have removed a portion of the flesh of the corpse and I think that they may have removed some of it, for there were two ribs missing.

Under these circumstances, I think that the corpse seen in process of decomposition by Germain Gagnon and Agapit Gagnon towards St. Peter's day may have lost its soft parts almost entirely, and and that at the end of 22 days the corpse would be in the state that Germain Gagnon has described, even without the foxes and muskrats. The holes which I have mentioned and the tears appeared to me nothing unusual, produced in them by wear or handling. The garments were pierced by worms; at least from their appearance the little holes would appear to have been gnawed by worms. There was a rent in the side of the flannel under-shirt to which I do not ascribe any importance, without other evidence in corroboration.

Cross-Examined.

I only landed at the Isles de Mai on this occasion; I had passed by them by water without going ashore. I have resided at Matane, on the south shore, fifty leagues from here: on the north shore—never. The statistics as to the temperature I took at Matane, which should be more favored. The Isles de Mai are sixty leagues from Malbaie to the north; I saw neither foxes nor muskrats, but a ground hog was killed there. I only remained some hours at the Isles de Mai, and three or four days in the vicinity, from the 31st August to the 3rd or 4th September, 1868. I did not do the disinterring myself; it was done in my presence, with pieces of wood. I did not dig elsewhere than there. I endeavored to do so with a pointed stick; the ground was very hard. When I said twenty feet in the wood, it was behind the corpse and on each side, but not in the sand. I went about twenty feet into the wood. The bones of him who is supposed to be J. B. Ouellet are now in a barn belonging to the brothers Couturiers; I put them there myself when I resided at their place, and upon my departure I entrusted the care of them to them. I took them out of the box and put them into a barrel, after having soaked them with lime to prevent their emitting any smell in the vicinity. I have no knowledge whatever of dogs having gnawed the bones, nor that any part was taken away by them, and I do not believe that that occurred; at least while they were in my possession. I engage to produce this corpse in five minutes. The two little cloths which I found in the box

always appeared to me to be of cotton, and I held them to be such at the time of the inquest. Fine linen or shirting impregnated with gum, and buried for some time, may assume the appearance of cotton. The cotton cloths were mixed up well-mell with the bones. It is possible that the three teeth may have come out at the time of Commander Tetu's inquest, as well as the ribs, but not at the time of the Coroner's inquest. I wrote the notes at Jallies Rouges whilst the inquest was going on. I made an allowance of one or two inches for the soft parts. I took account of the ligaments that exist between the several vertebrae. I took account of the cartilages which are to be found in the joints; also of the soft parts which are to be found at the soles of the feet. In this I followed the regulations and statistics of Orfila and Devergie. The hair and beard are the parts which are longest preserved without their changing their color or their nature in the slightest degree. Beck, Orfila and Devergie make special mention of the hair and of the beard. When decomposition has already commenced in a corpse, and has been arrested by the cold of winter, that decomposition recommences the instant the tissues are entirely thawed.

I cannot say at what time after the disappearance of the snow a corpse may decompose, that depending on the heat, more or less great, of various days. Supposing that decomposition had begun in September, and stopped about the middle of November. It is not true that if the body had been thawed for eight or ten days at the time of its discovery by the Gagnons, the color of the skin would not have been that by them mentioned, especially if some days of great heat had intervened. The color of the skin in such case would necessarily be red or violet—a greater degree of decomposition would have been undergone. The epidermis must necessarily have been gone.

Agapit Gagnon says that he only saw a part of the body that is to say, the left arm, the left side as far as the hip, a part of the chest above the breast, the side of the belly and not the middle. The chest never becomes greenish in the first place, it follows the same rule as the other parts of the body, except the middle part of the belly—the center of the belly. The green color results from the vicinity of the intestines; it is only in the middle that the belly becomes greenish; the other parts red. The skin consists of the epidermis and the dermis. The dermis is the essential part of the skin which never comes away except with the flesh. The epidermis disappears during the first stage of decomposition. (Beck)—According to an author quoted by Beck. I have not made a special study of the subject of decomposition. The red color of decomposition is the color of the flesh; it passes from red to violet. The red color of which mention is made by the Gagnons is not the ordinary red color of the body. The (term) ruddy color made use of by the Gagnons implies that the skin was whole and that the epidermis was not gone. They confounded the dermis with the epidermis. For my part, as a physician the word *ruddy* (*vermeil*) means *red and fresh*. In ordinary language (as applied to the skin and not as applied to color) the word *ruddy* means fresh, red, full of health, when speaking of a person. I do not know Gagnon as a physician.

Question.—Is it not the case] that when a man in Gagnon's position makes use of the word *ruddy* (*vermeil*) we should assign to it not the sense that physicians are accustomed to assign to it, but the sense that people of his degree of education and class are in the habit of assigning to it.

Answer.—In ordinary conversation outside of a Court of Justice I would assign to the word *ruddy* (*vermeil*) the same sense in which Gagnon himself would understand it, but after having heard the whole of his evidence, I am satisfied that the meaning of the word *ruddy* (*vermeil*) that he made use of in speaking of the skin signified that the redness was of the epidermis and that he thought that the epidermis had not come away.

Gagnon in his evidence gives it to be understood that the body was not decomposed, he says that the body was *ruddy*; by the word *ruddy* (*vermeil*) he meant, in my opinion that it was not decomposed; and this although by his evidence he reveals signs of decomposition, which are signs to medical men and not to him. The signs which Gagnon did not remark, but which he nevertheless reported, are the removal of the epidermis, the red color of the skin, the gases, and the odor emitted by the body.

Gagnon did not say that the epidermis was removed; had he said so, he would be acquainted with the signs of decomposition. I inferred that the epidermis was removed from the red color alluded to by the two witnesses Gagnons. That color can never exist on the corpse unless the first coat or epidermis has been removed by decomposition.

In stepping upon a undecomposed corpse some sound may be occasioned, but that sound would be much more feeble and could not be heard some paces off as one of the Gagnons says it was. Besides the compressed air of

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 ject would not have that smell peculiar to a corpse in course of decomposition
 like the gas which issued from the mouth of the corpse when Gagnon trod
 upon it.

The Gagnons, if they had examined the region of the heart would neces-
 sarily have seen a wound, which had been inflicted in that region. So long
 as the snow had not disappeared, that snow necessarily tended to prevent the
 decomposition, whatever the depth of the sand might be; but when the snow
 is gone decomposition in the sand is more rapid than in clay, and especially
 in this case, in view of the thin covering of sand.

Re-examined.

A person may die a violent death, without any traces being left on the
 bones, either by the hand around the throat, or by the knees on the chest and the
 hand on the mouth, or by strangulation with a cord, hanging or upon the
 ground; a person may also die without there being any traces upon the bone,
 by poison; by a wound with a cutting instrument in the throat, on the right
 side, as on the left side, in the abdomen; or by a wound inflicted in some
 great vein or artery.

WEDNESDAY, 23RD JUNE, 1869.

Evidence for the defence.—

ILDEBERT GIRARD.—I was present in court when Hector Huot appeared.
 I saw him the second time that he brought the accused. I brought him in my
 vehicle as far as Joseph Dufourd's, his son-in-law. On the way thither Huot
 said that they were going to prove that it was Ouellet who had been found,
 because he had his fingers wrapped up with cloths; saying, "Here they
 are." He shewed me two small cloths, one ten or twelve inches long
 and an inch or an inch and a quarter wide; the other four or five inches
 long and an inch wide. They were wrapped up in a piece of paper. By
 my conscience, they are those produced. I put no special mark upon them, I
 only glanced at them.

FRANCOIS XAVIER DE SALES LATIERRE.—I am a physician. I was here in
 court when Mr. Riverin gave his evidence. According to that evidence, in my
 opinion, it was impossible to say that a corpse could be preserved without a tolera-
 bly advanced stage of decomposition having begun, from September to the middle
 of November.

In my opinion, at the time when the Gagnons found the body, it must be that
 the corpse, from their description, had been there but a short time and could not
 have been there during the winter. They would have found some livid blackish
 spots and the skin of the belly greenish or of a dark green.

The deposition of Dr. Hamel, as to the decomposition of which he speaks,
 would agree with the temperature described by Dr. Hamel upon the information
 furnished by the Gagnons. Frost would also stop the decomposition; a corpse
 frozen and thawed rots rapidly. A body buried in the spring (22 days after St.
 Peter's day) would be decomposed about as the Gagnons describe. The word
ruddy (*vermeil*) according to the language of the country people, is applied to a
 condition of preservation.

Cross-examined.

When the epidermis is gone the corpse assumes a deep red color and that is
 a sign of the commencement of putrefaction. When putrefaction has begun there
 is no rigidity; if such be present, anchylosis must be assumed to exist. The
 corpse of a person *assassinated with effusion of blood* is preserved longer than that
 of a person who has died from illness.

The ordinary red color of a corpse is not the the red color of a living person;
 after death the red color is nothing other than what supervenes after the fall of the
 epidermis.